

CITY OF BRANSON, MISSOURI

PERSONNEL MANUAL

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TABLE OF CONTENTS

DEFINITIONS	-1-
ARTICLE 1 - GENERAL PROVISIONS	
Section 1. Availability of Articles, Administrative Rules, and Departmental Rules	-6-
Section 2. Classified and Unclassified Service	-6-
Section 3. Supervisory Employees	-6-
Section 4. Exempt and Non-exempt Employees	-7-
Section 5. Personnel Director	-7-
Section 6. Employee Personnel Committee	-7-
Section 7. Personnel Fact-Finding Committee	-8-
Section 8. Appointments	-8-
Section 9. Fair Employment	-8-
Section 10. Equal Employment Opportunity	-8-
Section 11. Right to File a Grievance	-9-
Section 12. Right of Appeal	-9-
Section 13. Establishment and Abolition of Positions	-9-
Section 14. Improper Political Activity	-9-
Section 15. Outside Employment	-10-
Section 16. Conflict of Interest	-10-
Section 17. Oath of Office	-11-
Section 18. Closed Meetings and Closed Records	-11-
ARTICLE 2 - CLASSIFICATION PLAN	
Section 1. Preparation of Classification Plan	-12-
Section 2. Enactment, Amendment, and Revision of Classification Plan.	-12-
Section 3. Classification Specifications	-12-
Section 4. Reclassification	-13-
ARTICLE 3 - PAY PLAN	
Section 1. Preparation of Pay Plan	-14-
Section 2. Enactment, Amendment and Revision of Plan	-14-
Section 3. Application of Pay Rates	-14-
Section 4. Pay Increases	-14-
Section 5. Out of Class Pay	-15-
Section 6. Appropriate Pay	-15-
Section 7. Unclassified Service Salaries or Wages	-15-
Section 8. Pay period	-15-
ARTICLE 4 - CORRECTIVE AND DISCIPLINARY ACTIONS	
-16-	
ARTICLE 5 - PROMOTION AND TRANSFER	
Section 1. Promotion	-17-
Section 2. Transfer	-17-
ARTICLE 6 - REQUIREMENTS FOR ORIGINAL EMPLOYMENT	
Section 1. Age	-18-
Section 2. Residence Requirement	-18-
Section 3. Fitness for Duty	-18-

Section 4. Hiring of Relatives	-18-
Section 5. Maintenance of Special Requirements	-19-
ARTICLE 7 - EMPLOYMENT APPLICATIONS	
Section 1. Recruitment	-20-
Section 2. Announcement	-20-
Section 3. Application Forms	-20-
Section 4. Special Requirements	-21-
Section 5. Disqualifications	-21-
Section 6. Equal Employment Opportunity	-21-
ARTICLE 8 - EXAMINATION	
Section 1. Nature and Type of Examination	-22-
Section 2. Conduct of Examinations	-22-
Section 3. Examination Values	-22-
Section 4. Internal City Examinations	-23-
Section 5. Open-Competitive Examinations	-23-
Section 6. Examination Results	-23-
Section 7. Retesting	-23-
ARTICLE 9 - EMPLOYMENT ELIGIBILITY LISTS	
Section 1. Provisional Employment List	-24-
Section 2. Original Employment List	-24-
Section 3. Re-eligibility Lists	-24-
Section 4. Establishment of Eligibility Lists	-24-
Section 5. Duration of Lists	-24-
Section 6. Removal from Eligibility Lists	-25-
ARTICLE 10 - VERIFICATION AND APPOINTMENT FOR CLASSIFIED POSITIONS	
Section 1. Method of Verification for Classified Positions	-26-
Section 2. Selection Interviews	-26-
Section 3. Selection and Appointment from Verified Eligible Applicants	-26-
Section 4. Medical Examinations	-27-
Section 5. Drug and Alcohol Testing	-27-
Section 6. Notification of Eligible Applicants Not Selected	-27-
Section 7. Orientation Meeting	-27-
ARTICLE 11 - PROBATION	
Section 1. Period of Probation	-28-
Section 2. Action Following Successful Probation	-29-
Section 3. Action Following Unsuccessful Probation	-29-
Section 4. Corrective Probation	-29-
Section 5. Reports	-29-
ARTICLE 12 - PERFORMANCE APPRAISALS	
Section 1. Purpose	-30-
Section 2. Administration	-30-
Section 3. Appraisal Periods	-30-
Section 4. Appraisal Authority	-31-
Section 5. Reviewing Authority	-31-
Section 6. Appraisal Grievance	-32-

ARTICLE 13 - RESIGNATION, REDUCTION IN WORK FORCE AND RE-ELIGIBILITY	
Section 1. Resignation	-33-
Section 2. Effective Date of Resignation or Termination	-33-
Section 3. Withdrawal of Resignation	-34-
Section 4. Reduction in Force (RIF)	-34-
Section 5. Re-eligibility	-34-
ARTICLE 14 - GRIEVANCE PROCEDURES	-35-
ARTICLE 15 - WORK PERIOD, OVERTIME, COMPENSATORY TIME & HOLIDAY PAY	
Section 1. Work Period	-36-
Section 2. Pay Period	-36-
Section 3. Meal Breaks	-36-
Section 4. Overtime	-36-
Section 5. Holidays	-38-
Section 6. Recording of Time	-40-
ARTICLE 16 - BENEFITS AND ALLOWANCES	
Section 1. Social Security	-41-
Section 2. Worker's Compensation	-41-
Section 3. Health and Dental Insurance	-41-
Section 4. Life Insurance	-41-
Section 5. Retirement (LAGERS)	-42-
Section 6. Voluntary Deferred Compensation Plan	-42-
Section 7. Clothing Allowance and Uniforms	-42-
Section 8. Other Allowances	-42-
Section 9. Election Time Off	-42-
Section 10. Reimbursement for Expenses	-42-
Section 11. Safety Program	-42-
Section 12. Training	-43-
ARTICLE 17 - LEAVES OF ABSENCE	
Section 1. Requesting Leaves of Absence	-44-
Section 2. Vacation Leave	-44-
Section 3. Sick Leave	-46-
Section 4. Worker's Compensation/On the Job Injury or Illness	-48-
Section 5. Special Paid Leave	-49-
Section 6. Military Leave	-49-
Section 7. Jury or Witness Pay	-49-
Section 8. Educational/Meeting Leave	-50-
Section 9. Other Leaves	-50-
Section 10. Bad Weather Leave	-51-
Section 11. Family and Medical Leave	-51-
Section 12. Unauthorized Unpaid Leave	-51-
Section 13. Utilization of Accrued Time	-51-
ARTICLE 18 - FAMILY AND MEDICAL LEAVE POLICY	-52-
ARTICLE 19 - SUBSTANCE ABUSE POLICY	-53-
ARTICLE 20 - EMPLOYEE ASSISTANCE PROGRAM POLICY	-54-

ARTICLE 21 - EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT	-55-
ARTICLE 22 - ACCOMODATING THE DISABLED	-56-
ARTICLE 23 ANTI- HARASSMENT POLICY	-57-
ARTICLE 24 – INTERNET AND SOCIAL MEDIA POLICY	-58-
ARTICLE 25 – EMPLOYEE TOBACCO FREE POLICY	-59-
ARTICLE 26 – FRAUD-ABUSE HOTLINE POLICY	-60-
RULE 1 – EMPLOYEE PERSONNEL COMMITTEE	-61-
RULE 2 – APPEAL PROCESS AND PERSONNEL FACT FINDING COMMITTEE	-63-
RULE 3 – OUT-OF-CLASS AND ACTING ASSIGNMENT PAY	-66-
RULE 4 – CORRECTIVE AND DISCIPLINARY ACTIONS	68-
RULE 5 – NON-DISCIPLINARY REDUCTIONS IN FORCE	-76-
RULE 6 – GRIEVANCES AND GRIEVANCE REVIEW COMMITTEE	-80-
RULE 7 – TRAVELING ON BEHALF OF THE CITY	-84-
RULE 8 – TUITION REIMBURSEMENT	-89-
RULE 9 – FAMILY AND MEDICAL LEAVE ACT (FMLA)	-93-
RULE 10 – SUBSTANCE ABUSE POLICY	-99-
RULE 11 – EMPLOYEE ASSISTANCE PROGRAM	-110-
RULE 12 – EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT	-112-
RULE 13 – ACCOMMODATING THE DISABLED	-114-
RULE 14 – ANTI-HARASSMENT POLICY	-116-
RULE 15 – TEMPORARY TRANSITIONAL DUTY	-119-
RULE 16 – INTERNET AND SOCIAL MEDIA USAGE POLICY	-121-
RULE 17 – EMPLOYEE TOBACCO FREE POLICY	-125-
RULE 18 – FRAUD-ABUSE HOTLINE POLICY	-127-

**CITY OF BRANSON, MISSOURI
PERSONNEL ARTICLES**

DEFINITIONS

The following words and phrases are defined as follows when used in these Articles.

APPEAL PROCEDURE: A formal procedure available to a regular classified employee who has completed the probationary period, whereby the employee may challenge the decision to dismiss, demote or suspend that employee without pay.

APPLICANT: An individual who has submitted a job application within the time specified in an announcement of vacancy.

APPOINTED/HIRED: To select an employee for a position.

BOARD OF ALDERMEN/BOARD: The term “board of aldermen” or “board” means the Board of Aldermen of the City of Branson, Missouri, which consists of six elected officials, two elected from each ward.

CITY: The term “the city” or “this city” shall be construed as if followed by the words “of Branson, Missouri.”

CITY ADMINISTRATOR: The term “City Administrator” means the Chief Executive Officer appointed by the Mayor and Board of Aldermen for an indefinite term, and is not considered a Director. All references to the City Administrator also include the City Administrator’s designee, unless specifically stated to the contrary.

CITY SERVICE: The City of Branson’s organization.

CLASS/CLASSIFICATION: A group of positions sufficiently similar as to duties performed, scope of discretion and responsibility, minimum requirements of training, experience or skill, and such other characteristics that the same tests of fitness, and the same range of compensation have been or may be applied to each position in the group.

CLASS SPECIFICATION: Summarizes the typical duties, responsibilities, and qualifications that apply to all positions within a particular job title. It is not intended to specifically identify every duty performed by an employee.

CLASSIFICATION DATE: The date upon which an employee is placed in a classified service, or the date an employee is promoted or demoted to a new classification.

CLASSIFIED SERVICE: The classified service is composed of all city employees except those positions in the unclassified service.

COMPENSATORY TIME: Time off with pay, in lieu of overtime pay.

COMPLETED PAY PERIOD: Shall exist when the employee has been paid for all hours of scheduled work for the position to which assigned during the pay period.

CREDITABLE TIME: Period of employment during which benefits accrue.

DEMOTION: The assignment of an employee from a position in one classification to a position in another classification having a range with a lower maximum rate of pay.

DIRECTOR: An employee at the head of each department having managerial responsibility for a major function of the City and who reports directly to the City Administrator or the Board of Aldermen.

DISMISSAL: Involuntary termination from employment.

EMPLOYEE: Any individual appointed and hired to a position in the City service.

INTERN: A position, not in the classified service, of limited and defined duration, normally performed in conjunction with a degree program requirement at an accredited college.

PROBATIONARY EMPLOYEE: An employee who is serving their initial six (6) months of service to the City, or twelve (12) months of service in the case of police officers and fire fighters, unless extended, and who has not yet been confirmed to regular employee status by a satisfactory end-of-probation report.

REGULAR EMPLOYEE: An employee, either part-time or full-time, who has successfully completed the initial probationary period.

REGULAR FULL-TIME EMPLOYEE: An employee in a position which normally requires at least 40 hours per week.

REGULAR PART-TIME EMPLOYEE: An employee in a position which normally requires less than forty (40) hours per week, but continues on a year-round basis.

SEASONAL EMPLOYEE: An individual, not in the classified service, employed to work in a position of limited and defined duration, but which is recurring from year to year.

TEMPORARY EMPLOYEE: An individual, not in the classified service, employed to work for a period or project of limited and defined duration.

VOLUNTEER: A position, not in the classified service, in which a person is not an employee, but volunteers services, often for a nominal fee or reimbursable expenses.

EMPLOYMENT ELIGIBILITY LIST: A listing of names of eligible job applicants who have passed all required examinations for a particular position or class.

EXAMINATION: All phases of evaluating the qualifications, suitability and potential of an applicant for City employment, to include but not limited to, completion of the application, written and performance tests, and interviews.

GENDER: Use of the masculine pronoun in this manual shall include the female pronoun and vice versa.

GOOD STANDING: An employee who voluntarily resigned from the City's employment and provided a written statement of their resignation with a minimum of a 14 calendar days notice unless the Director consents to and approves a shorter notice period. This may include a reduction in work force in some circumstances.

GRIEVANCE PROCEDURE: A formal procedure available to a regular classified employee who has completed the probationary period to challenge an alleged improper application of policies and procedures established by the Personnel Manual or Administrative Rules and which an employee believes is adversely affecting the employee's working conditions.

HIRE DATE: Date upon which an employee is hired for a position in the city's service. For a part-time employee, the initial hire date will change upon an employment status change from part-time to full-time.

IMMEDIATE FAMILY MEMBER: Mother, step-mother, father, step-father, mother-in-law, father-in-law, spouse, child, step-child, brother, step-brother, sister, step-sister, grandfather, grandmother, grandchild, a person who has served in loco parentis of either the employee or the employee's spouse, or a person for whom the employee has served in loco parentis .

INITIAL PROBATION PERIOD: The period of assignment following the commencement of employment by the City of Branson during which an employee must prove fitness, suitability, ability, and qualifications by satisfactorily performing the required duties of the position.

IN LOCO PARENTIS: A person or persons who have had full parental responsibilities and duties towards an individual under the age of 21.

MAY: The term "may" is permissive or optional.

MEDIA DEVICE: Any device designed to take, store, playback or transmit digital or analog images, video, music or other data content, via ports or wireless network technology. This includes, but is not limited to, cellular phones, cameras, iPods and computers.

OFF-DUTY WORK: Work performed outside an employee's work shift, for an employer other than the City.

OUT-OF-CLASS PAY: Pay for temporary assignment to a position, or the duties and responsibilities of a position, in another class within the classified service, with a higher rate of pay.

PAY PLAN: The table or array of pay rates prescribed by the Board of Aldermen that establishes the basic pay rates and step increases for employees on an annual basis.

PERFORMANCE APPRAISAL: A written report evaluating the level of performance of the individual employee for assigned responsibilities, goals, and objectives within the employee's position specification.

PERSONAL LEAVE: The amount of time an employee earns once they have reached and then maintain their sick leave maximum accumulation.

PERSONNEL MANUAL: The Personnel Manual is the compilation of Personnel Article and Administrative Rules. Personnel Articles are approved by the Board of Aldermen and Administrative Rules are established by the City Administrator.

PERSONNEL DIRECTOR: The individual appointed by the City Administrator to administer the provisions of these Articles. All references to the Personnel Director also include the Personnel Director's designee, unless specifically stated to the contrary.

POSITION: A specific job established by the City Administrator within the classified or unclassified service.

PROMOTION: Assignment of an employee to a position in another class having a range with a higher maximum rate of pay.

PROMOTIONAL PROBATIONARY PERIOD: The period of assignment following promotion during which an employee must prove fitness, suitability, abilities, and qualifications by satisfactorily performing the required duties of the position.

RECLASSIFICATION: Assignment of a position to a different class because of changes in the position specifications.

RECRUITMENT: Notification to an appropriate potential applicant pool that an examination or interview process will be conducted to establish an employment eligibility list to hire for a particular position.

REPRIMAND: A documented written or verbal warning, placed into an employee's official personnel file, regarding the unacceptable performance, action, or omission, of or by an employee.

RSMo.: – The abbreviation "RSMo." means the Revised Statutes of Missouri, as amended.

SALARY ADVANCEMENT: An increase in salary granted within the limits of a pay range established for a class.

SENIORITY: A status obtained by an employee measured by the length of service with the City.

SHALL: The term “shall” is mandatory.

SHIFT: The hours of work assigned to an employee by the employee's Director.

SUSPENSION: The temporary removal of an employee from his/her assigned duties with or without pay.

TEMPORARY ASSIGNMENT: Assignment to another position for a limited duration.

TRANSFER: (A). Lateral Transfer – The movement of an employee from one position to another position within the same classification. (B). Classification Transfer – The movement of an employee from one classification to another classification within the same pay range.

UNCLASSIFIED SERVICE: The unclassified service is comprised of city employees in the positions set forth below. The appeal provisions of these Articles do not apply to employees in the unclassified service.

City Administrator

Directors

Interns, Volunteers, Temporary employees, and Seasonal employees

WEAPONS: Non work related weapons are prohibited in the workplace and shall be described as: any instrument designed or intended for the purpose of inflicting harm on another, including but not limited to firearms, knives, clubs, explosives, “brass knuckles” or items as described in RSMo. 570.010. This does not include any ordinary pocketknife with a blade four inches or less in length or kitchen utensils, as these items are designed and intended for purposes other than inflicting harm. Any violation of this policy will be subject to disciplinary action up to and including termination of employment.

In order to establish an equitable and uniform procedure for dealing with personnel matters; to attract to municipal service the best and most competent persons available; to assure that appointments and promotions of employees will be based on merit, abilities, and fitness; and to provide a reasonable degree of security for qualified employees, the Articles of the Personnel Manual are as follows:

ARTICLE 1 - GENERAL PROVISIONS

Section 1. Availability of Articles, Administrative Rules, and Departmental Rules

- A. The City Administrator is authorized to establish Administrative Rules which implement and elaborate upon these Articles, in so far as such regulations do not conflict herewith.
- B. Copies of the Personnel Manual shall be available in the Personnel Department and the administrative sections of each department for review by employees.
- C. In addition to the provisions stipulated herein, a Director shall have the authority to issue in writing reasonable rules concerning personnel matters which are not governed by the Administrative Rules established by the City Administrator. Department Rules may be issued in order to govern matters which are unique to the department, provided that the rules have been approved by the City Administrator and are consistent with the City's Personnel Articles and Administrative Rules. For disciplinary and termination purposes a violation of a departmental rule shall be considered the same as a violation of the Personnel Manual or Administrative Rules.

Section 2. Classified and Unclassified Service

The employees of the City of Branson are divided into classified and unclassified service. Employees in the classified service enjoy the benefits of the protections of these Articles. Unclassified employees serve at will, may be discharged without cause, and are exempt from the grievance and appeal provisions of these Articles, unless specifically otherwise provided.

Section 3. Supervisory Employee

Any employee who oversees or directs the work of others and is directly involved in hiring, disciplinary actions, and conducting performance evaluations of subordinates. Such designation shall be included in the classification specifications.

Section 4. Exempt and Non-exempt Employees

City employees shall be determined to be exempt or non-exempt in accordance with the regulations of the Fair Labor Standards Act.

Section 5. Personnel Director

The City Administrator shall appoint a Personnel Director, who shall administer the Personnel System of the City and shall be responsible to:

- (1) Publish or post notices of vacancies or examinations for all positions in the city.
- (2) Receive applications, prepare and forward applications to the Directors for their determination of persons eligible for appointment.
- (3) Administer all the Personnel Articles not specifically reserved to the Board, or City Administrator.
- (4) Prepare and recommend to the City Administrator revisions and amendments to the Personnel Articles.
- (5) Prepare class specifications, and provide for revisions of the classification plan.
- (6) Prepare a pay plan, and provide for revisions of the plan covering all classifications of the classified service.
- (7) Perform such other duties as may be assigned by the City Administrator not inconsistent with these Articles.

Section 6. Employee Personnel Committee

The City Administrator is authorized to establish an Employee Personnel Committee, knowledgeable about the City's Personnel Manual, and the intent and purpose of the same, whose task shall be to advise and assist with regard to the consistent application of the Personnel Manual throughout the City. The City Administrator is also authorized to establish Administrative Rules to establish and guide the Employee Personnel Committee's membership, scope of authority, duties, and procedures.

Section 7. Personnel Fact-Finding Committee

The City Administrator is authorized to establish Administrative Rules to establish a Personnel Fact-Finding Committee which will review and address employee appeals.

Section 8. Appointments

- A. Appointments to vacant positions in the City service shall be made in accordance with these Personnel Articles. Appointments and promotions shall be based on merit, ability, and fitness, to be determined as far as practicable by competitive examination.
- B. Unless specifically retained by the City Administrator, authority to make appointments to regular budgeted positions at the first step of the pay plan is delegated to the appropriate Directors who may make the appointment after consultation with the Personnel Director.

Section 9. Fair Employment

- A. During the pre-employment process, no question or inquiry shall be so designed as to attempt to obtain information concerning race, color, national origin, sex, marital status, disability, religion, military status, age (other than that allowed by law), or any other applicant characteristic protected by law.
- B. No appointment to, or removal from, any position of the City service shall be influenced in any manner by any considerations of race, color, national origin, sex, marital status, disability, religion, military status, any consideration of age other than that allowed by law, or any other characteristic protected by law.

Section 10. Equal Employment Opportunity

The City of Branson does not discriminate against employees or applicants for employment on the basis of race, color, religion, national origin, sex, military status, age, disability or any other characteristic protected by law. The City shall strive to develop and maintain an informational program designed to inform the general public and minority group organizations of the equal employment policies and program efforts of the City.

Section 11. Right to File a Grievance

Any regular employee in the classified service shall have the right to file a grievance if the employee believes that there has been an improper application of the policies and procedures established by the Personnel Manual, unless the right to file such a grievance is otherwise prohibited by these Articles.

Section 12. Right of Appeal

Any regular employee in the classified service shall have the right to appeal any dismissal, demotion, or suspension without pay, unless the right of appeal is otherwise prohibited by these Articles. The City Administrator is authorized to establish an Administrative Rule to set procedures for employee appeals.

Section 13. Establishment and Abolition of Positions

- A. Whenever a new position is proposed, the Director shall forward to the Personnel Director a description of the duties, abilities, and responsibilities of the position. The Personnel Director shall, after a study of the duties, responsibilities and qualification requirements, allocate the position to its appropriate class in the classification plan. If no appropriate class exists, a new classification shall be established and placed in the appropriate pay grade.
- B. The proposed classification specification and recommended pay grade shall be submitted to the City Administrator for approval.
- C. If approved by the City Administrator, vacancies created by the new classification specifications shall be filled in the manner and order prescribed in these Articles.
- D. The City Administrator shall be likewise empowered to abolish any position which is no longer needed.

Section 14. Improper Political Activity

- A. No employee shall use, threaten to use or attempt to use political influence with any person in securing employment benefits or advantages.
- B. No employee of the City shall solicit any monetary contribution to the campaign funds of any particular organization. Nothing in this section shall be construed to prevent the exercise of the rights of employees as citizens to express their opinions and to cast their votes. No employee of the City shall continue in his position after becoming a candidate for nomination or election to any partisan political office. An employee may become a candidate for

nonpartisan political office (other than Mayor or Board of Aldermen for the City of Branson) only with the prior approval of the City Administrator, and if elected, the employee shall abstain from any dialogue, discussion or vote by the public body on any issue affecting the interests of the City of Branson.

- C. No employee of the City shall be a member of any national, state, or local committee of a political party, or an officer or member of a committee or partisan political club, or shall take part in the management or affairs of any political party or in any political campaign, except to exercise his right as a citizen privately to express his opinion and to cast his vote.

Section 15. Outside Employment

- A. Outside employment of any employee shall not be permitted except with the written permission of the Director and with the approval of the Personnel Director, and the City Administrator. Permission must be renewed at the beginning of the fiscal year, and may be revoked with cause by written notice to the employee by the Director.
- B. Employees shall not be eligible to work any outside employment on a day the employee has called in sick due to their own illness, or is using sick leave under FMLA or Workers' Compensation statutes. The day will be defined as the twenty-four (24) hour period beginning at the end of the shift for which the employee called in sick. If an employee works irregular shifts and missed the original shift due to illness, but then works a subsequent shift within the 24 hour period, the original 24-hour holding period then becomes void.
- C. If an employee calls in sick on their last workday during a workweek, works outside employment on their days off, and then calls in sick on their next workday, the employee may be subject to discipline for misuse of sick leave.
- D. Employees shall only be allowed to work outside employment when they are limited to light or restricted duty by a physician if they:
 - (1) follow all restrictions, and
 - (2) receive approval from the attending physician and their Department Director.

Section 16. Conflict of Interest

- A. No employee of the City shall transact any business in his/her official capacity with any business entity of which he/she is an officer, agent or member or in which he/she owns a substantial interest; nor shall he/she make any personal investments in any enterprise which will create a substantial conflict between

his/her private interest and the public interest; nor shall he/she or any firm or business entity of which he/she is an officer, agent or member, or the owner of substantial interest, sell any goods or services to any business entity which is directly licensed by or regulated in any manner by the agency or department in which the employee serves.

Section 17. Oath of Office

Every officer and employee of the City shall take and subscribe an oath or affirmation before the City Clerk, that he possesses all the qualifications prescribed for his office by law; that he will support the Constitution of the United States and of the State of Missouri, the provisions of all laws of this state affecting cities of this class, and the ordinances of the City of Branson, and faithfully demean himself while in office.

Section 18. Closed Meetings and Closed Records

All meetings and discussions by the Board of Aldermen pertaining to any personnel issues shall be confidential and shall be conducted in closed session pursuant to Section 610 RSMo.

ARTICLE 2 - CLASSIFICATION PLAN

Section 1. Preparation of Classification Plan

- A. The Personnel Director shall determine and record the duties and responsibilities of all positions in the classified service. After consultation with the Directors affected, the Personnel Director shall submit to the City Administrator a Classification Plan, with Classification Specifications for all positions, for approval. Revisions to the plan shall be made in the same manner. The Classification Plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, authority and character of work are included within the same class, and the same schedules of compensation made to apply with equality under like working conditions to all positions in the same class.
- B. The classification plan shall be amended as duties, responsibilities and employment conditions, and classification specifications change.

Section 2. Enactment, Amendment, and Revision of Classification Plan.

The classification plan shall be enacted or revised only upon approval by the City Administrator.

Section 3. Classification Specifications

- A. The Personnel Director shall maintain, and have on file, copies of current classification specifications for all positions.
- B. The classification specifications shall include title, general statement of duties, minimum qualifications, essential job functions, required knowledge, skills and abilities, acceptable experience and training, and for positions requiring necessary special requirements, a statement of such shall be included. The specification will also contain information as to whether the position is exempt from overtime payment, and whether it is considered to be a supervisory position.
- C. The Personnel Director shall periodically review the duties, responsibilities and qualifications of position(s) in the classified service. A review will also be made upon request of a Director when approved by the City Administrator. The review shall determine whether the position(s) are properly classified. The findings shall be reported, after coordination with the Director, to the City Administrator who may approve reclassification of the positions found to be improperly classified.

- D. Class Specifications shall become effective, amended, or revised, only upon the approval of the City Administrator.

Section 4. Reclassification

- A. If an occupied position is reclassified, the occupant shall be informed prior to the City Administrator's action. Upon reclassification, the occupant may be transferred and shall be the occupant of the new position if the occupant meets the minimum qualifications of the new position.
- B. Whenever an unoccupied position is reclassified, normal appointment procedures will be followed.

ARTICLE 3 - PAY PLAN

Section 1. Preparation of Pay Plan

The Personnel Director shall cause a pay plan to be prepared covering all classes of positions in the classified and unclassified service. In arriving at grades of compensation, consideration shall be given but not limited to prevailing rates of pay and consideration of working conditions for comparable work, to current costs of living, to the City's financial condition and policies, and to other relevant factors.

Section 2. Enactment, Amendment and Revision of Plan

The pay plan shall be enacted and may be amended and revised by action of the City Administrator. The pay plan shall become effective upon the approval of the city budget by the Board of Aldermen. No position shall be assigned a salary or wage, which is not in conformance with the pay plan.

Section 3. Application of Pay Rates

Employees occupying a position in the City service shall be paid a salary or wage established for the position's class under the pay plan. A new employee shall start at the first step in the appropriate grade unless the City Administrator determines that qualified applicants are not available at the salary specified at the first step, or that an applicant has special qualifications that justify a higher starting rate than the first step. The City Administrator may appoint employees up to the maximum of the grade established for the class.

Section 4. Pay Increases

- A. No pay increase (with the exception of the Market/Cost of Living Adjustment) shall cause the employee's hourly or salaried rate to exceed the maximum rate established in the pay plan for the class.
- B. Merit pay increases shall not be automatic but shall depend upon increased service value of an employee to the City as exemplified by the recommendation of the Director, length of service, performance record, special training undertaken, or other pertinent factors.
- C. Market/ Cost of Living Adjustment pay increases shall be authorized when included in the City's adopted budget.

D. The effective date of any pay increase shall be as follows:

(1) Merit Pay – Employee's hire date, unless otherwise specified in this Personnel Manual.

(2) Market/ Cost of Living Adjustments – The first day of the new fiscal year.

Section 5. Out of Class Pay

The City Administrator is authorized to establish Administrative Rules with regard to out-of -class and acting assignment pay.

Section 6. Appropriate Pay

The City Administrator is authorized to assign employees to appropriate classifications and pay grades in conformity with the pay plan funded by the adopted city budget.

Section 7. Unclassified Service Salaries or Wages

Salaries or wages of employees in the unclassified service will be as determined by the City Administrator and Board of Aldermen on at least an annual basis as approved in the annual budget. The salaries or wages of interns, temporary, or seasonal employees, as defined by the pay plan for part-time non-benefit eligible positions, shall be based on a review by the Director and Personnel Director of the type and complexity of work performed, the knowledge and/or skills required, and the availability of workers.

Section 8. Pay period

Employees shall be paid every two weeks according to a pay schedule established by the City Administrator.

ARTICLE 4 - CORRECTIVE AND DISCIPLINARY ACTIONS

The City Administrator is authorized to establish Administrative Rules with regard to Corrective and Disciplinary Actions.

ARTICLE 5 - PROMOTION AND TRANSFER

Section 1. Promotion

- A. When the City Administrator determines that the best interests of the City will be served, vacancies in the classified service may be filled by promotion of regular employees. Such internal examinations shall be open to all regular full-time employees in the City service.
- B. Reclassification of an employee to a position of greater responsibility with a higher range of pay shall be considered a promotion.
- C. If the promotion involves a transfer from one department to another department, both Directors must agree to the effective date.
- D. The effective date of the appointment shall initiate the employee's promotional probation in the new position.

Section 2. Transfer

- A. An employee may be transferred as provided in the promotion section of this Article.
- B. No person shall be transferred to a position for which that person does not possess the minimum qualifications. Upon notice to the Personnel Director, an employee may be transferred within the same department by the Director at any time from one position to another position in a comparable class. For transfer purposes, a comparable class is one with the same maximum salary, which includes the performance of similar duties, and requires substantially the same basic qualifications.
- C. If the transfer includes a change from one department to another the City Administrator must approve the transfer.
- D. An employee transferred within a department or between departments to a position in the same class or in a different class, which has the same pay range as the former class, shall retain the same rate of pay.

ARTICLE 6 -REQUIREMENTS FOR ORIGINAL EMPLOYMENT

Section 1. Age

Minimum and maximum age limits shall be in conformity with the laws.

Section 2. Residence Requirement

- A. As required by the City Code, the City Administrator shall reside in the City of Branson during his tenure in office. The City Administrator is authorized to establish Administrative Rules with regard to residency requirements for all other positions in the City service.
- B. Any employee changing residence or address and phone number must notify their Department Administration immediately.

Section 3. Fitness for Duty

All City employees must possess sufficient mental and physical capabilities to be able to perform the requirements of the position for which they are employed. Reasonable accommodation for physical and mental capabilities as regulated by the Americans with Disabilities Act (ADA) shall be provided if the person is otherwise qualified. The physical and mental qualifications of persons in City employment may be evaluated by physicians approved and paid for by the City and all employees shall submit to such examination when so ordered by the Personnel Director.

Section 4. Hiring of Relatives

- A. The Missouri Constitution, Article VII, Section 6, prohibits nepotism, stating "Any public officer or employee in this state who by virtue of his office or employment names or appoints to public office or employment any relative within the fourth degree, by consanguinity or affinity, shall thereby forfeit his office or employment." That prohibition causes an automatic forfeiture of your job if you participate in the decision to hire or promote a relative as far removed as a cousin, great-uncle/aunt, son/daughter-in-law, or other blood relative or "in-law" within the "fourth degree." For purposes of this entire section, cohabitants will be included in the definition of "any relative within the fourth degree". For a list of relatives included in this definition, please contact the Personnel Office.
- B. No person shall be hired, transferred, demoted, or promoted as an employee in the classified or unclassified service who is in a relationship status noted in

- A. above, whether or not related by blood, to any person in a supervisory/subordinate chain-of-command position to the employee's position.
- C. From and after the effective date of this article, if two people who are in supervisory/subordinate chain-of-command position marry, one party must submit a request to the Personnel Director for transfer, if a position is available to transfer into. If there is no transfer within 90 calendar days, one party must resign from the City service. If parties involved cannot agree, resignation will be based on a combination of performance and seniority.
- D. Members of an immediate family shall not be employed within the same department. Any violations of this shall result in immediate termination of that employee with the least seniority. (Seasonals, interns, part-time and temporary positions are exempt).
- E. Any employment arrangement of relatives within the fourth degree, which can create a potential conflict of interest, will be evaluated by the City Administrator. If a conflict of interest is determined, one party must resign from the City service. If parties involved cannot agree, resignation will be based on a combination of performance and seniority.

Section 5. Maintenance of Special Requirements

When the City requires employees to meet specific standards and possess special experience and training to perform the duties of a position, those standards and special experience and training must be maintained in order to continue employment with the City.

ARTICLE 7 - EMPLOYMENT APPLICATIONS

Section 1. Recruitment

- A. Directors must notify the Personnel Director of all positions needed, justification of why the position is needed, who is being replaced, and method for replacement. Directors must submit a proposed position description for review and approval by the Personnel Director each time duties change or a new position is requested.
- B. There shall be no recruitment for any position without the approval by the Personnel Director and authorization by the City Administrator.

Section 2. Announcement

- A. All vacancies for positions in the classified service shall be publicized by posting an announcement on the City website, via e-mail sent to all Directors, Office Assistants, and Supervisors for posting in their respective departments, and such other forms of notice as shall be deemed appropriate. Vacancy notices shall be posted for at least seven (7) days, unless the City Administrator approves a lesser time due to an emergency or unusual circumstances.
- B. The announcement shall specify the classification and position titles; the pay grade of the position; the nature of the work to be performed; the minimum qualifications required; and other qualifications preferred for the performance of the work; the manner of making application; and other pertinent information.

Section 3. Application Forms

- A. All applicants for City employment shall make application on forms provided by the Personnel Director. All applicants shall submit complete information relating to experience, training, residence and other necessary information. The Personnel Director and the Director will use the information to determine whether the applicant is eligible for the position and to take an examination for employment if one is required.
- B. Failure to accurately and fully complete the application form(s) may be reason for disqualification.
- C. Completed application forms, including resumes and other documents and correspondence, shall become the property of the City and shall not be returned to applicants.

Section 4. Special Requirements

The City may require applicants to meet and maintain specific standards and possess special experience and training necessary to perform the duties of the position.

Section 5. Disqualifications

- A. The Personnel Director shall reject any application which indicates that the applicant does not possess the minimum qualifications required for the position. Applications shall also be rejected if the applicant has made any misstatements of any material fact; has practiced any deception or fraud regarding the application; or has been convicted of a crime which is detrimental to the conduct of business in the position for which applying.
- B. Defective applications may be returned to the applicant with notice to amend the same. Failure to submit the application within the time limit prescribed by the Personnel Director shall be cause for disqualification.

Section 6. Equal Employment Opportunity

The City of Branson is an Equal Employment Opportunity Employer and these Articles shall be administered in compliance with all federal and state laws pertaining to Fair Employment. The City of Branson has a non tolerance of discrimination in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, pregnancy, military including veteran status, or any other characteristic protected by law. The City of Branson will make reasonable accommodations for qualified individuals with perceived disabilities unless doing so would result in undue hardship to the City of Branson.

ARTICLE 8 - EXAMINATION

Section 1. Nature and Type of Examination

The selection techniques used in the examination process shall be impartial, of a practical nature and shall relate to those subjects which, in the opinion of the Director and Personnel Director, fairly measure the relative capacities and capabilities of the persons examined to execute the duties and responsibilities of the position to which they seek to be appointed. Examination may consist of selection techniques which will test fairly the qualifications of candidates such as, but not limited to, achievement and aptitude tests, written tests, personal interviews, performance tests, physical agility tests, assessment centers, evaluation of daily work performance, work samples, polygraph tests, psychological evaluations, or any combination of these or other tests. In any examination, the Personnel Director may include, in addition to competitive tests, a qualifying test or tests and set minimum standards. The cost of examinations, when required by the City, shall be the responsibility of the City.

Section 2. Conduct of Examinations

- A. Examinations to measure the qualifications of applicants shall be conducted by the Personnel Director or by a person designated by the Personnel Director.
- B. Failure of an applicant to report as scheduled by the Personnel Director for any part of the examination may be grounds to remove the applicant from further consideration.
- C. Requests for special examination accommodations, received in writing prior to the test date, will be evaluated by the Personnel Director for reasonable accommodation as regulated by the Americans with Disabilities Act.

Section 3. Examination Values

- A. Each part of the examination of applicants for any position shall be given a relative value or weight which shall consist of a percentile part of 100%. One hundred percent is the total value of all parts of an examination. In order to qualify for employment a candidate shall make a passing grade, as determined by the Personnel Director, on each part of the examination to which a percentage grade is assigned.
- B. Notwithstanding the foregoing, any part of an examination may be designated by the Personnel Director as an "absolute qualifier". Parts so designated shall be on a pass/fail basis and shall be used to determine if the candidate may continue the examination.

- C. Applications may be screened and only a reasonable number, as determined by the Personnel Director, most nearly meeting the requirements and expectations for the position, may be selected for further consideration.

Section 4. Internal City Examinations

- A. Positions may be filled by competitive internal City examination when authorized by the City Administrator. If there are two or fewer qualified internal applicants for a position, external applicants may also be solicited.
- B. Internal City examinations are open only to employees in the City service who meet the position requirements.
- C. Part-time and temporary employees may be considered after internal applicants but prior to external applicants when positions are not filled by qualified internal applicants and when authorized by the City Administrator.

Section 5. Open-Competitive Examinations

Open-competitive examinations shall be used unless an internal examination is deemed more appropriate by the Director and the Personnel Director and is authorized by the City Administrator. All interested personnel, who meet the position requirements, may submit applications for consideration.

Section 6. Examination Results

- A. When the qualifications of applicants for any class of employment have been evaluated, the applicants will be notified of their placement on the employment eligibility list. Those not selected for placement on the eligibility list shall be notified by the department of their non-selection for further employment consideration for the position.
- B. Examination records and papers are not public documents. Applicants shall not be entitled to review notes and scores of individual oral board examiners, interviewers, or those of other applicants, but they shall be entitled to review their own final percentile score given for each part of the examination.

Section 7. Retesting

Any person failing the examination process shall not be permitted to re-take the same examination for at least 90 days, except that qualifying performance tests, such as for typing, shorthand, computer skills, and others as designated by the Personnel Director, may be repeated twice during a specific recruitment period.

ARTICLE 9 - EMPLOYMENT ELIGIBILITY LISTS

Section 1. Provisional Employment List

- A. Provisional Employment List is a register containing the names of candidates for positions which require further testing or examination to establish minimum eligibility. Names will be transferred to the appropriate regular list after successful completion of all examination processes.
- B. Applicants not meeting acceptable standards as determined by the background investigation, psychological evaluation, and/or polygraph examination will be removed from further consideration for any current vacancies and, in certain cases, may be removed from consideration for future vacancies.

Section 2. Original Employment List

An Original Employment List shall consist of the names of applicants who have successfully demonstrated that their qualifications are suitable for the position for which they applied.

Section 3. Re-eligibility Lists

- A. A Re-eligibility List shall consist of the names of persons who resigned from City service in good standing and whose names were placed on the list by the Personnel Director, after approval of the Director where the former employee worked.
- B. If the former employee is not selected for employment within one year from the date of separation from the City's service, their name will be removed from the list. The person may then apply only during open recruitment.

Section 4. Establishment of Eligibility Lists

As soon as possible after the completion of the screening process, an eligibility list shall be compiled consisting of the names of qualified candidates for a particular position.

Section 5. Duration of Lists

All employment lists shall be valid for 6 months, except for Police and Fire Department lists, which shall be valid for 12 months. Lists may be extended when it is determined to be in the best interest of the City by the Personnel Director with the approval of the City Administrator.

Section 6. Removal from Eligibility Lists

A. Names of eligible applicants may be removed from the employment eligibility list when:

- (1) An eligible applicant from any list that has been on the eligibility list three times and has not been selected for employment.
- (2) An eligible applicant from any list that has been determined non-hirable by a Department Head and the position exists only in that department.
- (3) An eligible applicant that declines to be interviewed or fails to report for an interview as agreed.
- (4) An eligible applicant that fails to respond to reasonable communications such as a letter or to verbal messages to return telephone calls.
- (5) An eligible applicant that declines a job offer.

B. Employment lists may be abolished prior to the normal expiration as established above when it is determined by the Personnel Director, with the approval of the City Administrator, that the evaluated qualifications of the remaining eligible applicants do not meet the needs of the City.

ARTICLE 10 - VERIFICATION AND APPOINTMENT FOR CLASSIFIED POSITIONS

Section 1. Method of Verification for Classified Positions

- A. When a Director requests a vacancy to be filled, requests shall be made on a form provided by the Personnel Director.
- B. The Personnel Department, except as otherwise provided in these Articles, shall deliver to the Director all information pertaining to the applicants for the vacant position. Once the Director determines which applicants are to be considered for the interview, the Personnel Director shall review all information and verify the eligibility of the applicants.
- C. The acceptance or declination of appointment by an eligible applicant to a position of temporary employment shall not affect eligibility for a position of regular employment, nor shall it affect the register standing for any position for which the person has been found qualified.
- D. The Personnel Director may verify eligible applicants for a lower or lateral class from an original employment list if no register for the lower or lateral class exists, or it is determined that the evaluated qualifications of the remaining eligible applicants on the list do not meet the needs of the City. An eligible applicant on an original employment list, who accepts a position under this paragraph, will remain on the original register for the positions for which original eligibility was established unless removed in accordance with this Article.

Section 2. Selection Interviews

- A. When eligible applicants are verified to be able to fill a position in the classified service, said eligible applicants shall report for an interview when requested. The Director(s) shall coordinate the notification of verified eligible applicants of the time, date, and location of the interview.
- B. Directors shall designate who is to conduct interviews. The Personnel Director shall establish procedures for interviews to aid or assist the interview process, and shall train designated persons to participate in the interviews.

Section 3. Selection and Appointment from Verified Eligible Applicants

- A. After interviews and any necessary background investigations, the Director shall make a selection from among those eligible applicants, notify the person

who has been selected, and shall notify the Personnel Director of the person selected on a form provided by the Personnel Department.

- B. The Personnel Director or designee shall contact the selected candidate to establish the hire date, and arrange for all necessary enrollment procedures.

Section 4. Medical Examinations

Appointments to the City service may be contingent upon a satisfactory medical examination prior to commencement of duties. When given, such examinations shall be by a physician selected by the City. The City shall pay for such medical examination. The cost of any additional tests, analyses, or examinations elected by the candidate shall be paid by the candidate.

Section 5. Drug and Alcohol Testing

The City Administrator may establish Administrative Rules to conduct drug and alcohol testing to determine applicant's job eligibility following a conditional offer of employment. For information regarding drug and alcohol testing and procedures, please refer to the Substance Abuse Policy, authorized by Article 19 of this Manual.

Section 6. Notification of Eligible Applicants Not Selected

Eligible applicants who have been interviewed and are not selected for employment, shall be given notice to that effect by the Director.

Section 7. Orientation Meeting

All newly hired employees will be required to attend an orientation meeting to complete forms and review required information concerning City employment. This shall include viewing videos and reviewing literature related to driver's orientation and safety, harassment (all types), and drug and alcohol abuse. A form signed by the employee which certifies attendance at this meeting will become a part of the employee's permanent personnel file and the City's insurance company *will be notified*.

ARTICLE 11 - PROBATION

Section I. Period of Probation

- A. Every employee in the classified service must work satisfactorily for a period of probation before attaining regular employment. A period of temporary appointment shall not be credited as service in probationary status.
- B. An employee's initial period of probation, and any subsequent promotional periods of probation shall consist of six (6) months of work for all classes, except police officers and fire fighters.
- C. The initial period of probation for police officers and fire fighters shall be twelve (12) months of work. Any subsequent promotional periods of probation for police officers and fire fighters shall be six (6) months.
- D. Any period of probation may be extended one or more times by the Director, but the cumulative extension period(s) shall not exceed the length of the original period of probation, except for police and fire employees whose cumulative extensions of initial periods of probation shall not exceed six (6) months.
- E. All new employees who complete six (6) months of probation shall be eligible to use accrued vacation, provided they are either:
 - (1) Granted eligibility to use such vacation by the Director for (employees serving more than six (6) months of probation) or
 - (2) Confirmed to regular employment status by a satisfactory end-of-probation report for employees serving a six (6) month period of probation. Except as provided in (1) above, employees who have their six (6) month probation period extended shall not be granted eligibility under this provision until the extended period of probation is successfully completed.
- F. Probationary employees may use accrued vacation in the event of absence due to injuries which qualify for Workers Compensation, as provided in these Articles.
- G. Up to but no more than thirty (30) cumulative calendar days of absence due to illness or injury, or while drawing Workers Compensation, shall be credited to a probationary employee as time served in the position. Time in excess of thirty (30) calendar days shall not be so credited, and the employee's period of probation shall be automatically extended an equal length of such excess time.

Section 2. Action Following Successful Probation

Prior to the end of an employee's period of probation, the Director shall submit a performance appraisal to the Personnel Director. A satisfactory performance appraisal report from the Director to the Personnel Director shall confirm the employee to regular employment status and may entail a pay increase, up to a one step maximum.

Section 3. Action Following Unsuccessful Probation

- A. During an employee's initial period of probation, including any extension(s) thereof, the employee may be dismissed, suspended, or demoted by the Director without the right of appeal. Dismissal during the initial period of probation, including any extension(s) thereof, shall be noted as a release for unsuccessful completion of probation, and shall not be considered a dismissal for cause.
- B. A dismissed or suspended employee on promotional probation shall have a right of appeal, as provided by these Articles. However, an employee on promotional probation may be demoted to the class held prior to promotion, without the right of appeal. If a vacancy does not then exist for the demoted employee in the class held prior to promotion, the reduction in force rule shall apply.

Section 4. Corrective Probation

When a Director determines that an employee's performance is "less than satisfactory" with respect to any or all of the employee's duties, tasks, and/or responsibilities set forth in the employee's classification specifications, a corrective probation may be invoked, as authorized by Article 4 of this Manual.

- A. The duration of a Sick Leave Probation will be for a 12 month period from implementation of such probation.

Section 5. Reports

All actions affecting the status of a probationary employee shall be reported to the Personnel Office by the Director.

ARTICLE 12 - PERFORMANCE APPRAISALS

Section 1. Purpose

- A. The purpose of the performance appraisal system is to properly evaluate performance of classified employees in the accomplishment of their assigned tasks. The factors used in appraising performance should be as objective as possible.
- B. The Personnel Director, before the beginning of each month, shall provide the appropriate notice to each department of annual appraisals that are due that month.

Section 2. Administration

The Personnel Director shall administer the performance appraisal system. A report shall be submitted by the Personnel Director to the City Administrator monthly listing all performance appraisals, for all departments, which are overdue at the time of the report.

Section 3. Appraisal Periods

- A. Performance appraisal reports shall be required:
 - (1) Two weeks prior to completion of the sixth month of employment, or twelfth month for police officer and fire fighter employees, and at the end of any extension, to establish successful or unsuccessful completion of the initial probationary period.
 - (2) Annually, prior to the hire date, to establish satisfactory performance to justify a step raise in the pay plan.
 - (3) Upon completion of six months following a transfer, if the duties and responsibilities of the new position differ from the previous position, to establish successful or unsuccessful completion of probation in new position.
 - (4) Upon completion of six months following a promotion or demotion, to establish successful or unsuccessful completion of probation in new position.
 - (5) To close an employee out of their previous position due to a promotion, demotion, or transfer into a new position where the duties and responsibilities of the new position differ from the previous position.

- (6) Upon completion of a corrective probation period, to establish successful or unsuccessful completion of corrective action, or the need for an additional probationary period.
- B. Each appraisal period shall commence upon the employee's hire date, or on the date of any of the other events listed above.

Section 4. Appraisal Authority

- A. The appraisal authority shall be that person who directly supervises the work of the employee being appraised and who has been supervising the work of the employee for a period of at least 90 days. If the appraisal authority has not supervised the work of the employee for at least 90 days, then the appraisal shall be deferred until the 90 days have been completed. Written notice will be provided to the employee and the Personnel Director when an appraisal is deferred for this reason. When a deferral for this reason causes probation to be extended, or a merit increase to be delayed, the effective date may be made retroactive to the original date if the Director determines it is appropriate at the time the appraisal is completed.

If circumstances prevent the appraisal from being completed after one deferral under this section, then the appraisal shall be done by a person at the next level of supervision or higher having the best knowledge of the employee's performance as determined by the Director.

- B. Reports required by Section 3A (3) through (5) above will be completed regardless of the length of supervision.
- C. Each employee appraised shall have an opportunity to review the appraisal with the supervisor and sign the appraisal to indicate that an opportunity for review was provided. Refusal of the employee to sign does not invalidate the report.

Section 5. Reviewing Authority

- A. The reviewing authority shall be the Director but the function of review may be delegated to any division head or other supervisor by the Director.
- B. Completed rating forms shall be submitted to the Personnel Director who shall file each form in the employee's personnel file.

Section 6. Appraisal Grievance

Performance appraisals shall be subject to the Grievance Procedure, but only to the extent that factual information in the appraisal can be shown to be incorrect. Decisions regarding merit increases or probationary status made by the Director based on the performance appraisal shall not be subject to grievance.

ARTICLE 13 - RESIGNATION, REDUCTION IN WORK FORCE AND RE-ELIGIBILITY

Section 1. Resignation

- A. An employee who resigns their employment voluntarily with the City is asked to provide a written resignation with the Director. Resignations shall be submitted at least 14 calendar days prior to the final work day unless the Director consents to a shorter notice period. Vacation time or paid compensatory time cannot be used during the 14-day notice period, unless approved by the Director. The written resignation shall be forwarded to the Personnel Director immediately. An employee who leaves the City service without filing a written resignation and giving two weeks notice, and/or receiving the Director's approval for less than 14 days notice, shall be considered in violation of the Personnel Articles and forfeit any payout of accrued benefits that otherwise would be paid out upon separation or employment, and will have the fact entered on the service record in the Personnel file, and shall be denied the right of the re-eligibility provisions of the City Personnel Articles. A person denied the right of re-eligibility may apply for work only during open competitive recruitment.
- B. When an employee resigns verbally and refuses to submit a written notice, the person receiving the verbal resignation shall document the facts, in memorandum form, and submit the memorandum to the Personnel Director through the Director.
- C. When an employee has been absent without authorized leave for two consecutive work shifts, such absence shall constitute a resignation. The City Administrator may deem absence without authorized leave for one day to constitute a resignation if it is the second occurrence within a twelve month period, unless the employee had both a medical impairment which prevented working, and an inability to notify his/her immediate supervisor, confirmed by a doctor's certification. The Director, after coordination with the Personnel Director, and with the approval of the City Administrator, shall notify the employee by registered or certified mail that the absence constitutes resignation. The notice shall be sent to the last known address of the employee.

Section 2. Effective Date of Resignation or Termination

- A. The effective date of a resignation shall be the agreed upon date between the Director and the employee, and/or the last day that the employee worked.

- B. The effective date of a termination shall be the date determined by the Personnel Director.

Section 3. Withdrawal of Resignation

An employee, who has resigned in writing, or verbally, may, prior to the effective date, but only with the consent of the Director, withdraw the resignation in writing.

Section 4. Reduction in Force (RIF)

The City Administrator is authorized to establish Administrative Rules with regard to reductions in work force which are appropriate to the circumstances, and which give due regard to the experience and qualifications of the effected employees.

Section 5. Re-eligibility

- A. A regular employee who resigns in good standing may be eligible for re-employment. Re-employment will be contingent upon approval of the Director where the former employee worked, the Personnel Director, and the City Administrator. Such employee must apply in writing within one year after the effective date of the resignation.
- B. Employees hired from the re-eligibility list shall, for all purposes, be considered as though they received an original appointment and may not use any of the previous periods(s) of employment for seniority purposes.

ARTICLE 14 - GRIEVANCE PROCEDURES

The City Administrator is authorized to establish a Grievance Procedure that fairly, rapidly, and without reprisal, coercion, or discrimination addresses the complaints, recommendations, and grievances of employees.

ARTICLE 15 - WORK PERIOD, OVERTIME, COMPENSATORY TIME & HOLIDAY PAY

Section 1. Work Period

As hours of work vary considerably within the various departments, employees will be advised of regular work hours by the Director. Each department will set the work cycle period with the approval of the City Administrator. All work cycles will conform with guidelines established by the Fair Labor Standards Act.

Section 2. Pay Period

The pay period and pay day shall be every fourteen (14) days. The beginning and ending dates of the pay period shall be as designated by the City Administrator.

Section 3. Meal Breaks

- A. The general policy of the City pertaining to meal breaks is that all employees, except those listed in Subsection C below, shall eat on their own time. They shall be allowed to cease work for meal breaks as determined by Directors, and shall not be paid for that time.
- B. Directors may adjust the length of meal breaks when it will contribute to the effectiveness of the department, but in no case will it be less than thirty minutes.
- C. Fire Department employees who work more than a forty (40) hour week, Police Department employees designated by the Police Chief, and Public Works employees designated by the Director, shall receive paid meal breaks. In order to qualify for paid meal breaks, employees must be on call during their entire work shift and not leave the work premises unless authorized and must respond to duty calls during meal breaks if necessary. Failure to respond to duty calls will be grounds for disciplinary action.

Section 4. Overtime

All non-exempt employees in the City's service shall be compensated for overtime hours worked by either overtime pay or compensatory time at the rate of one and one-half times their regular rate.

A. Overtime shall be compensable only if it is:

- (1) Authorized; and
- (2) In excess of:
 - a) 40 hours worked by non-exempt employees during the seven day period established by the City Administrator; or
 - b) 212 hours worked by firefighters during the 28 day work period established by the City Administrator; or
 - c) 171 hours worked by police officers during the 28 day work period established by the City Administrator.
- (3) Authorized and scheduled vacation leave, and compensatory time, shall be deemed hours worked for purposes of this section.
- (4) Outside of a bona fide emergency, all accrual of overtime must be pre-approved by the Director or his designee.
- (5) Overtime may be authorized only by the Director when necessary for the protection of property or human life, or when it is clearly in the best interest of the City. A Director or supervisor may, in his discretion, schedule flex-time, which is time off for an employee, offset hour for hour during a particular work period to compensate for excess hours worked during a previous day of the same work period without accrual of overtime.

B. Overtime Compensation

- (1) Overtime compensation shall be computed on regular rate of pay. If overtime is to be paid, it must be recorded and paid, at one and one-half time, on the payroll immediately following the conclusion of the work period in which the overtime is worked. If overtime is to be applied to compensatory time, it must be recorded at one and one-half time.
- (2) The decision to pay overtime or to record it as compensatory time shall be at the discretion of the Director.
- (3) Exempt employees are excluded from overtime compensation. Exempt employees are expected to know and understand their schedule and work required. They shall be responsible for planning and accomplishing work assigned to them regardless of the time required.

C. Compensatory Time

- (1) Compensatory time may be granted in lieu of paid overtime to all non-exempt employees. Compensatory hours shall be accrued at 1.5 hours for every one hour of overtime worked.
- (2) Outside of a bonafide emergency, all accrual of compensatory time must be pre-approved by the Director.
- (3) Compensatory time shall not accrue beyond 24 hours (36 for firefighters), except when specifically authorized in advance by the City Administrator for extraordinary circumstances.
- (4) Accumulated compensatory time shall be paid when the accrued compensatory time exceeds the maximum, or upon separation for any reason, including death of the employee.
- (5) When an employee will take compensatory time off shall be determined by and scheduled at the discretion of the employee's Director, with due regard for the wishes of the employee and the needs of the City.
- (6) Every employee who has reached regular employee status, or has been granted the right to use compensatory time, and who has accrued compensatory time and leaves the City, shall have such time paid on the last paycheck issued to the employee by the City.

Section 5. Holidays

A. Designated

The City will grant 8-hours paid holiday time off to all full-time employees on the holidays listed below:

New Year's Day - January 1
Martin Luther King Day - Third Monday in January
President's Day - Third Monday in February
Memorial Day - Last Monday in May
Independence Day - July 4
Labor Day - First Monday in September
Veteran's Day - November 11
Thanksgiving Day - Fourth Thursday in November
Friday following Thanksgiving Day
Christmas Eve - December 24*
Christmas Day - December 25*

Floating Holiday - To be used at the employee's choosing, taken in its entirety and not broken into increments, and with prior approval of the Director. ** Unused Floating Holiday time will not be paid out upon separation from employment.

If an observed holiday falls on a Saturday, it will be observed by the City on the preceding Friday, and, if any such holiday should fall on a Sunday, it will be observed by the City on the following Monday.

*If Christmas falls on a Saturday, Sunday or Monday, then the Friday before and Monday will be observed by the City as the Christmas Eve and Christmas Day holiday.

*If Christmas falls on a Tuesday, Wednesday, or Friday, then the day before Christmas will be observed by the City as the Christmas Eve holiday.

*If Christmas falls on a Thursday, then the day after Christmas will be observed by the City as the Christmas Eve holiday.

The City reserves the right to change the observed day in the event that business conditions necessitate such a change.

The Mayor or City Administrator may grant additional days of holiday pay in extraordinary cases.

B. When on Leave or Separated from Service

Employees shall receive no additional pay while on paid leave when a holiday occurs, rather, 8 hours of holiday pay will be substituted for 8 hours of the vacation or sick leave being used. When an employee is on FMLA leave, the holiday will be paid if the employee is on paid leave, and won't be paid if the employee is on unpaid leave. Employee must work or be on paid leave the last scheduled work day before the holiday and the first scheduled day after the holiday to be paid for the holiday. An employee who is separated from City service when the last day worked is the last working day before a holiday shall not be paid for the holiday.

C. Compensation for Working Holiday

Employees, other than unclassified employees, shall receive compensation at the regular rate of pay for each hour worked on a holiday, in addition to eight (8) hours of holiday pay; or Directors may elect to provide 8 hours off on another day with pay, in lieu of the official holiday, in which case no other compensation is made. If the Director chooses to elect this option, the

accrued holiday time must be used within 30 days (90 days for firefighters) after the end of the fiscal year, and cannot accrue beyond 24 hours (48 for firefighters). Accrued holiday time must be used before all other accrued time (except sick) and is on a "use it or lose it" basis. Any accrued Holiday Time on the books will be paid out upon separation from employment.

Section 6. Recording of Time

Increments of 1/4 hour shall be used to record time worked, compensatory time, and leave credits used in increments of less than one complete hour.

ARTICLE 16: BENEFITS AND ALLOWANCES

Section 1. Social Security

Social Security is established and administered by the Federal Government. Joint contributions from the employee and the employer are based on a percentage of the employee's salary. All employees of the City of Branson are covered by Social Security.

Section 2. Worker's Compensation

All employees are covered by worker's compensation as provided by the Missouri Worker's Compensation Act for all accidental injuries arising out of and in the course of employment.

All on the job injuries must be reported immediately to the employee's supervisor or Director, who shall immediately notify the Personnel Department. Failure to report an injury immediately, regardless of severity, may be cause for disciplinary action, as well as a possible reduction or loss of certain Worker's Compensation benefits. In the event a determination is made that the injured employee requires medical care, the employee shall be referred to the City of Branson designated occupational health physician or in case of an emergency, the Emergency Room. Any loss of wages occurring on the day of injury shall be covered by the City of Branson.

Section 3. Health and Dental Insurance

Group health and dental insurance is available to all full-time employees and their dependents as defined by the plans' documents. The Board establishes the plans offered and annually establishes the City's contribution toward the coverage. Group health and dental premiums paid by the City shall continue to be paid during any paid leave of absence. The City share of premiums shall be paid when the employee is collecting Worker's Compensation, not to exceed one year. The City share of premiums shall be paid when the employee is on unpaid leave of absence not to exceed one calendar month except as otherwise provided in the Family and Medical Leave Policy in Article 18. Subsequent premiums shall be paid by the employee if the employee wishes to continue the insurance coverage.

Continuation coverage is available under federal COBRA laws to qualified individuals who leave the service of the City. Qualifying widows, ex-spouses and children of covered employees may also be eligible for continuation coverage under COBRA.

Section 4. Life Insurance

The City shall provide and fund life insurance protection for every regular full-time employee. Life insurance premiums paid by the City shall continue to be paid during any paid leave of absence. The City share of premiums shall be paid when the employee is collecting Worker's Compensation, not to exceed one year. The City share of premiums shall be paid when the employee is on unpaid leave of absence not to exceed one calendar month, subsequent premiums shall be paid by the employee if the employee wishes to continue the insurance coverage.

Section 5. Retirement (LAGERS)

All full-time employees are required to join LAGERS after six months of continuous service as full-time regular employees.

Section 6. Voluntary Deferred Compensation Plan

Participation in a voluntary deferred compensation plan is also available to all full-time employees of the City. Contribution amounts are limited as required by Federal Law. Payroll deduction is required for this plan.

Section 7. Clothing Allowance and Uniforms

Uniformed members of departments requiring special uniforms in performance of duties will be supplied with uniforms or a uniform allowance as defined within each department and have same cleaned by the City of Branson as funds are available and budgeted.

Section 8. Other Allowances

The City Administrator shall have the authority to budget for and authorize employee programs, events and compensation allowances to recognize employees for unusual work circumstances and for service to the City.

Section 9. Election Time Off

The City encourages all employees to exercise their constitutional right to vote. City employees will be allowed adequate time to vote during normal work hours. Scheduling will be coordinated by the Director.

Section 10. Reimbursement for Expenses

The City Administrator shall have the authority to establish Administrative Rules providing for reimbursement to employees for actual and necessary expenses incurred while engaged in City business, including approved travel and conference expenses.

Section 11. Safety Program

The City of Branson is vitally interested in the employee's health and safety. The safety and health of each employee is not only important to the welfare of the employee, but also to the safety and welfare of all the people of Branson.

The Personnel Director shall direct and implement a safety program through Administrative Rules. We expect all employees to work safely at all times and to comply with all safety rules.

Employees should report any dangerous work practices immediately to their supervisor or Director. Employees should also report any defects or problems with city equipment immediately to their supervisor. To maximize safety in the office or work site areas, employees should keep all work areas neat, clean and orderly.

Section 12. Training

- A. Responsibility for Training: The Board encourages the training of employees. Responsibility for developing training programs for employees shall be assumed jointly by the Personnel Director and the Directors, with approval of the City Administrator.
- B. Credit for Training: Participation in, and successful completion of, special training courses may be considered in advancements and promotions. Evidence of such activity shall be filed by the employee with the Personnel Director.
- C. Reimbursement for Formal Training: The City Administrator is authorized to establish Administrative Rules regarding tuition reimbursement for job related education.
- D. Seminars/Workshops/Training Programs: Employees may be scheduled to attend seminars and workshop training programs as a part of their regular duties with the approval of the Director.

ARTICLE 17. LEAVES OF ABSENCE

Section 1. Requesting Leaves of Absence

All requests for leaves of absence with or without pay shall be made to the employee's Director for approval on forms approved by the Personnel Director. All requests shall be submitted in advance of the beginning date of leave (except requests for unanticipated sick leave which shall be submitted for approval at the earliest possible time). The duration and type of leave shall be recorded on the payroll records. Paid leaves of absence are subject to available leave credits unless specifically exempted under other sections of this Article. Scheduling of vacations is subject to the approval of the Director.

Section 2. Vacation Leave

A. Authority: In order to receive paid vacation leave, the employee must complete and submit a Leave of Absence Request Form for approval prior to the date of leave. If the request is denied by the Director, the reasons shall be stated on the Leave of Absence Request. A copy, signed by the Director, shall be given to the employee. In a bona fide emergency, the Director may approve vacation leave after the fact. The determination as to whether a bona fide emergency existed shall be at the discretion of the Director, with the oversight and approval of the Personnel Director.

B. Accrual

- (1) Vacation leave is accrued by all full-time and part-time regular employees, except for firefighters assigned to work shifts which require more than 40 hours per week, based on continuous years of service to the City of Branson at the following rates:

Time of Employment	Hours per Pay Period Accrued	Hours per Year Accrued
0 -6 yrs	3.080	80
6 yrs 1 day – 14 yrs	4.620	120
14 yrs 1 day +	6.150	160

- (2) Vacation leave is accrued by all firefighters assigned to work shifts which require more than 40 hours per week, based on continuous years of service to the City of Branson at the following rates:

Years of Employment	Hours per Pay Period Accrued	Hours per Year Accrued
0 -6 yrs	4.310	112
6 yrs 1 day – 14 yrs	6.460	168
14 yrs 1 day +	8.620	224

- (3) Employees who do not have a completed pay period shall be given a pro-rated accrual in accordance with the number of paid hours for that pay period.
- (4) Leaves of absence compensated under the Worker's Compensation statutes not in excess of one year shall not be considered a break in continuous service and the employee shall continue to accrue vacation leave.
- (5) Temporary employees shall not accrue vacation. Seasonal employees hired on a seasonal basis, who work the season and leave at the end of the season in good standing, shall accrue .0383 hours of personal leave for every hour worked. The accrued time will be available for use by the seasonal employee in the year following its accrual, and only if that seasonal employee is employed again during that season. Part-time and seasonal employees, who become regular employees, shall retain vacation time or personal time accrued while working in a seasonal or part-time position.
- (6) Employees shall be eligible to use vacation leave after six (6) months employment, provided they have been confirmed to regular status by a satisfactory end of probation report or have been granted eligibility by their Director for employees serving more than six (6) months probation.

C. Maximum Accrual

Vacation leave on the books at the end of the calendar year shall not be in excess of 240 hours for all employees except firefighters. Maximum accumulation for firefighters shall be 336 hours. At the end of the calendar year, any time accumulated beyond these maximums will be forfeited.

D. Charging Vacation

The Director is responsible for scheduling of employee vacations each year. Vacation is charged against the employee's credits on an hour-for-hour basis. When less than an exact number of hours are used, vacation credits shall be charged to the nearest 1/4 hour.

E. Separation Pay for Vacation and Personal Leave

Every employee who has reached regular employee status or has been granted the right to use vacation leave or personal leave, and who has vacation credits or personal leave and leaves the City service in good standing, shall have such credits (not beyond 240 for regular employees and 336 for firefighters) paid on the last paycheck issued to the employee by the City.

F. Holiday During Vacation

Paid holidays which occur during a vacation leave shall not be counted as a day of vacation.

G. Pay in Lieu of Vacation

The City Administrator may, at his discretion, grant vacation pay in lieu of vacation days off.

Section 3. Sick Leave

A. Authority

When unable to work due to illness, the employee shall notify his immediate supervisor prior to the time set for the beginning of daily duties. A maximum of 40 hours of sick leave per calendar year (48 for firefighters) may be used for immediate family members living in the home.

Directors may implement written reporting procedures specific to their normal operating procedures. The Director or City Administrator may authorize the use of other accrued time for sick leave.

The employee, or the supervisor, if the employee is not able, shall complete a Leave of Absence Request Form stating the reasons for the absence. If the request is denied by the Director, the reason shall be stated on the Leave of Absence Request Form. A copy signed by the Director shall be given to the employee.

In a bona fide emergency, the Director may approve sick leave after the fact. The determination as to whether a bona fide emergency existed shall be at the discretion of the Director, with the oversight and approval of the Personnel Director.

B. Accrual

- (1) Every full-time regular employee, except firefighters assigned to work shifts which require more than 40 hours per week, shall be credited 3.69 hours sick leave accrual for each completed pay period.
- (2) Sick leave accrual for firefighters assigned to work shifts which require more than 40 hours per week, shall be 5.15 hours for each completed pay period.
- (3) Leaves of absence compensated under Worker's Compensation statutes not in excess of one year shall not be considered a break in continuous service and sick leave credits shall continue to accrue.

- (4) Employees who do not have a completed pay period shall be given pro-rated accrual in accordance with the number of paid hours for that pay period.

C. Maximum Accrual

Maximum accumulation of sick leave shall be 480 hours for all employees except firefighters. Maximum accumulation for firefighters shall be 672 hours.

D. Conversion of Sick Leave

As an incentive to encourage responsible use of sick leave, at the beginning of the calendar year the following conversion programs will be offered to all employees who have one year of full-time service:

Employees who are not at maximum accumulation: All employees except firefighters, who use less than forty-one (41) hours of sick leave in a calendar year, may convert 24 hours of their accumulated sick leave to 24 hours of vacation leave. Firefighters who use less than forty-nine (49) hours of sick leave in a calendar year, may convert 24 hours of their accumulated sick leave to 24 hours of vacation leave. This provision shall not apply to employees who are on sick leave probation and being required to adhere to Section 3 H (2) due to excessive use of sick leave.

Employees who are at maximum accumulation: If an employee initially reaches sick time maximum accumulation during the months of May thru December, they will start accruing personal leave time on Jan. 1 of the following year, provided they are still at sick time maximum accumulation. If they are at sick time maximum accumulation and have not started accruing personal leave time, they will be eligible for the 24 hour sick time conversion at the end of the year.

All other employees who are at maximum accumulation and do not use any sick leave during a pay period, shall earn 1.23 hours (1.72 hours for firefighters) of personal leave during that pay period. Maximum accumulation of personal leave shall be 32 hours (48 hours for firefighters). Personal leave hours may be taken upon approval of the Director.

Once an employee starts accruing Personal Leave Time (Sick Max), their sick time accrual must be below 430 hours (614 hours for firefighters) at the end of the calendar year for them to be eligible for the sick time conversion at the end of the calendar year.

FMLA sick time will not count against an employee in calculating the sick time usage.

E. Use of Sick Leave

Employees shall be allowed to use sick leave credits after they have been credited to the employee's account, and shall be allowed only for the purposes provided in this Article. An employee without sick leave credits may use other accrued time with the approval of the Director.

F. Charging for Sick Leave

In order to be compensated for sick leave, an employee must notify his Immediate Supervisor before his scheduled work period is to begin. Without such notification, leave will be considered unauthorized and unpaid. No employee shall receive sick leave as a result of a job injury or disease incurred while employed by someone other than the City of Branson.

- G. An employee may be required to see a doctor periodically by the Director, after coordination with the Personnel Director, when there is reason to believe the employee is too ill to be able to work safely or the employee might endanger the property or health of other persons while performing job duties. Reports from the doctor shall be used to determine if an employee is able to work. Nothing in this Article shall be construed to diminish a Director's authority to dismiss an employee as per established Personnel Articles and Administrative Rules.

H. Doctor's Certificate

- (1) A certificate from a licensed physician or practitioner allowing the return to work is required for any absence, due to illness or injury, of three or more calendar days duration. The certificate must be presented to the immediate supervisor prior to the resumption of duties by the individual. The certificate must state that the individual has been ill or injured, has recovered and is able to perform the duties of the position.
- (2) The Director may require, in coordination with the Personnel Director, the employee to submit a doctor's certificate for any length of illness if in the Director's opinion it is in the best interests of the City. The certificate must be presented to the immediate supervisor prior to the resumption of duties by the individual.

I. Payment of Sick Leave Upon Separation

Employees leaving City service in good standing, with no disciplinary action for sick leave abuse within two years preceding separation, shall receive pay equal to 50% of the amount of accrued sick leave on their record.

Section 4. Worker's Compensation/On the Job Injury or Illness

- A. Employees are insured by the City, under the Missouri Worker's Compensation statutes, against injuries and illnesses occurring in the course of City employment. The law provides for payment of medical expenses, and under certain circumstances, compensation for loss of income. It is mandatory that every job-related injury or illness, regardless of severity, be reported immediately to the supervisor or Director and a written report be submitted to the Personnel Director.
- B. When pay is provided by Worker's Compensation, the amount received by the employee is approximately 2/3's the employee's normal take-home pay. The City will pay to the employee the full check and the workers compensation check will be submitted to the City. The City of Branson will pay for the scheduled time away from work on the first day/shift of injury. In the event it is determined by the City of Branson's Occupational

Health physician that an employee remain off work for two or more days, the City of Branson allows for the injured employee to utilize accrued personal leave, holiday, sick, vacation or compensatory time to cover the second and third day after the injury.

- C. The employee may be required to submit to a medical examination as provided by this article in Section 3.

Section 5. Special Paid Leave

- A. Family Death: When a member of an employee's immediate family dies, the employee shall be granted a special leave with pay, not chargeable against any leave credits, for a period not to exceed three calendar days. If additional leave is needed, the employee must use vacation credits or take leave without pay.
- B. Death of a Co-Worker: Special leave with pay, not to be charged against the employee's accrued leave, may be granted by the City Administrator to allow co-workers to attend local memorial/funeral services, allowing sufficient travel time to and from service site.

Section 6. Military Leave

The City recognizes the important role of the National Guard and the Reserves, and as such complies with the Uniformed Services Employment and Reemployment Rights Act (USERRA) and all applicable state laws. Therefore, military leave of absence will be granted to employees who are absent from work due to service in the United States uniformed services. All employees shall be retained on leave of absence status with pay, not to be deducted from any leave credits, for periods of military service during which they are engaged in the performance of duty in the service of the United States under competent orders for a period not to exceed a total of 120 hours in any federal fiscal year, and for periods of military service during which they are engaged in the performance of duty or training in the service of the State at the call of the governor and as ordered by the adjutant general without regard to length of time. In order to receive paid leave, Employees are to furnish the City with official orders as well as documentation that duty was performed in accordance with the orders. Employees on "active" military leave for up to 30 days are required to return to work on the first regularly scheduled shift after the end of service, allowing reasonable travel time and eight (8) hours rest. Employees on longer periods of military leave must apply for reinstatement in accordance with USERRA and all applicable state laws. Employees, who exceed five (5) years of qualifying cumulative military service, as defined by USERRA, are not guaranteed reemployment.

Section 7. Jury or Witness Pay

- A. When an employee is subpoenaed or summoned for jury duty, the employee must immediately, and in advance of the absence, notify the Director of the subpoena or summons. The City will continue to pay the employee's salary, upon presentation of the summons, while absent for jury duty.
- B. When an employee is subpoenaed as a witness in a criminal case, the City will continue to pay the employee's salary, upon presentation of the subpoena. The employee must notify the Director in advance of the absence.

- C. When an employee is subpoenaed as a witness in a civil case, the City will only pay the employee's salary if the employee is subpoenaed as a witness to matters which occurred in the course and scope of the employee's duties and upon presentation of the subpoena. The employee must notify the Director in advance of the absence.
- D. When the jury or witness duty is complete, a Leave of Absence Request Form, approved by the Director, shall be submitted to the Personnel Director with the documented proof of attendance attached.
- E. Any compensation received for service on jury duty shall be endorsed to the City of Branson as soon as it is received, and given to the Personnel Department.

Section 8. Educational/Meeting Leave

Full-time employees may be granted special leave with pay to follow a course of study related to their careers with the City, or to attend professional conferences and meetings, or to visit other cities in the interest of the City when approved in advance. The Director may recommend and the City Administrator may approve schools or professional training of up to three weeks. All other requests for schools or professional training must be approved by the Board.

Section 9. Other Leaves

A. General Leave Without Pay

The Director may approve general leave without pay. This leave without pay is intended only for short periods of time and may not exceed 15 working days.

B. Extended Special Leave With Pay

An employee may be granted an extended special leave with pay when it is clearly in the best interests of the City and leave is recommended by the City Administrator.

C. Exempt and Unclassified Employee Special Leave

- (1) The Director may approve special leave with pay not charged to any leave credits for exempt employees not to exceed two working days at any one time or four days in any one year.
- (2) The City Administrator may approve special leave with pay not charged to any leave credits for unclassified employees not to exceed 10 working days at any one time or 15 working days in any one calendar year.
- (3) Special leave shall be reported to the Personnel Director on a leave of absence form.

Section 10. Bad Weather Leave

If the City offices are closed, for the entire business day, by order of the City Administrator due to inclement weather or disaster, the day will count as a day worked for employees unable to report. In all other cases, when an employee is unable to report due to bad weather or disaster, the employee shall notify his supervisor and time will be charged to compensatory time, holiday time, personal time or vacation time for the entire shift that the employee missed (even if City hall closes early), or shall be unpaid. When an employee has reported to work and City Hall is ordered closed early, those employees already at work will not be required to utilize accrued time for the hours missed.

For those employees (exempt and non-exempt) who perform essential operations and must still report to work (i.e. Police, Fire, Public Works, Utilities); if City offices are closed for the entire business day, they will accrue eight (8) hours Holiday time to be utilized in its entirety (not broken into increments), and with prior approval of the Director. If City offices close early, they do not accrue Holiday time for the amount of time that City offices closed early.

Section 11. Family and Medical Leave

Eligible employees are entitled to participate in the Family and Medical Leave Act. The policy is authorized and detailed in Article 18 of this Manual.

Section 12. Unauthorized Unpaid Leave

Any absence from work by an employee, that is not authorized, shall be considered unauthorized unpaid leave. Any employee taking such leave will be subject to disciplinary action.

Section 13. Utilization of Accrued Time

The following depicts in what order accrued time (with the exception of sick time) is suggested to be utilized.

- A. Holiday Time
- B. Personal Leave
- C. Compensation Time
- D. Vacation Time

Department Heads will be held responsible for assuring that their employees are utilizing their accrued time in an acceptable and efficient manner. It should be stressed that there are maximum accumulations on the Holiday time, Compensation Time, Vacation Time and Personal Time. We will strictly follow "Use it or Lose it". Unused Floating Holiday time will not be carried over into the next calendar year, unless authorized by the City Administrator.

ARTICLE 18 - FAMILY AND MEDICAL LEAVE POLICY

The City Administrator is authorized to establish Administrative Rules for the utilization of the Family and Medical Leave Act by City employees.

ARTICLE 19 - SUBSTANCE ABUSE POLICY

The City Administrator is authorized to establish Administrative Rules that set forth consistent and clean-cut guidelines in order to provide a drug and alcohol free working environment for City employees, thereby enhancing the ability of City employees to deliver safe and efficient service to the community.

ARTICLE 20 - EMPLOYEE ASSISTANCE PROGRAM POLICY

The City Administrator is authorized to establish an Employee Assistance Program in order to assist City employees who may have personal problems which could affect their job performance.

ARTICLE 21 - EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

The City Administrator is authorized to establish a policy to provide equal opportunity in employment and advancement and to administer the City's employment practices without regard to race, color, religion, sex, age, national origin, marital status, military status, disability, or any other characteristic protected by law.

ARTICLE 22 - ACCOMMODATING THE DISABLED

The City Administrator is authorized to establish procedures to insure the reasonable accommodation of qualified individuals with disabilities.

ARTICLE 23 – ANTI- HARASSMENT POLICY

The City Administrator is authorized to establish procedures to ensure employees of a work environment free of harassment.

ARTICLE 24 – INTERNET AND SOCIAL MEDIA POLICY

The City Administrator is authorized to establish Administrative Rules that set forth consistent guidelines regarding City employees usage of online communications.

ARTICLE 25 – EMPLOYEE TOBACCO FREE POLICY

The City Administrator is authorized to establish Administrative Rules that set forth consistent guidelines regarding City employee usage of tobacco products while on regular paid time.

ARTICLE 26 – FRAUD-ABUSE HOTLINE AND POLICY

The City Administrator is authorized to establish a confidential 24-hours-a-day, 7-days-a-week hotline for City employees, contractors, citizens and other interested parties to report issues such as: fraud, waste, abuse of City resources, safety violations, etc.

References: 1983-R007, 1987-R009, 1995-R022, 1998-0040, 1998-0042, 1999-0665, 1999-0959, 2001-0145, 2005-0141, 2009-099, 2010-133

CITY OF BRANSON, MISSOURI
ADMINISTRATIVE RULES

RULE NUMBER 1 REFERENCING ARTICLE 1 OF THE PERSONNEL MANUAL

A RULE PERTAINING TO EMPLOYEE PERSONNEL COMMITTEE

Section 1. Employee Personnel Committee

- A. The Employee Personnel Committee (EPC) is established to create a representative group of city employees knowledgeable about the City's Personnel Articles and Administrative Rules and the intent and purpose of the same. Members of the EPC shall be available for any classified employee, upon request by an employee, to assist in grievance or appeal proceedings.
- B. Members of the Employee Personnel Committee may be utilized by classified employees or the City Administration in the following manner.
 - (1) As part of a grievance or appeal process. Any EPC member(s), excluding the Chairman of the EPC and the member from the same department as the person filing the appeal or grievance, may assist an employee in understanding and ensuring that the Personnel Manual is being followed. An employee may select one EPC member, excluding the aforementioned, to accompany him to any meeting where the issues of the grievance or appeal will be discussed. However, the EPC member shall not be allowed to speak or act on behalf of the employee during such meetings, but shall be present as an observer only.
 - (2) As part of the Personnel Fact-Finding Committee, the Chairman of the EPC will sit as a member of the Committee (See Administrative Rule Number 2 Pertaining to Personnel Fact-Finding Committee).
 - (3) As part of the Grievance Review Committee (see Administrative Rule Number 6).
- C. Employee Personnel Committee members shall be determined by Directors. Smaller departments (Administration, Computer Information Services, and City Clerk/Municipal Court) may be combined with one representative chosen by the Directors from those departments in total. Employee representatives shall serve for two years except that three of the original members shall serve a three-year term on their first term, resulting in overlapping terms. When an employee has

completed their term on the committee, they may serve again at the direction of the Director. Only classified employees are eligible to be EPC members.

- D. The Employee Personnel Committee members will elect a Chairman and Vice-Chairman annually. It shall be the responsibility of the Personnel Director to meet with the Chairman as may be required to discuss personnel policy, as it relates to the grievance and appeal procedures.
- E. The Personnel Director shall meet with the Employee Personnel Committee members monthly, or as needed, for the purpose of discussion or clarification of Personnel Articles and Administrative Rules. Each member of the EPC will be expected to familiarize themselves with the City's Personnel Manual and all pertinent Administrative Rules. The Personnel Director and City Attorney will provide training and instruction on all Personnel Articles and Administrative Rules.

The above Administrative Rule is hereby established and adopted in accordance with the Personnel Manual of the City of Branson, Missouri.


Dean Kruithof, City Administrator

12-15-2010
Date

CITY OF BRANSON, MISSOURI
ADMINISTRATIVE RULES

RULE NUMBER 2 REFERENCING ARTICLE 1 OF THE PERSONNEL MANUAL

A RULE PERTAINING TO APPEAL PROCESS AND PERSONNEL FACT FINDING COMMITTEE

Section 1. Appeals Procedure

- A. A regular classified employee who has completed the probationary period may appeal any dismissal, demotion, or suspension without pay in writing to the Personnel Fact-Finding Committee through the Personnel Director within 7 calendar days of receipt of written notice of said dismissal, demotion, or suspension without pay, unless the employee's position was abolished or unfunded, either by non appropriation or as the result of budget cuts. Any dismissal, demotion, or suspension without pay shall take effect on the date indicated in the dismissal, demotion, or suspension notice despite the pending appeal.
- B. No appeal shall be considered if more than seven (7) calendar days have elapsed from the date of the written notice of dismissal, demotion or suspension without pay, or if the employee refused to discuss the issues with his Director and the Personnel Director during his disciplinary hearing.

Section 2. Personnel Fact-Finding Committee

- A. The purpose of the Personnel Fact-Finding Committee is to provide the City Administrator with as much factual information on personnel appeals as is possible prior to a decision by the City Administrator. The Personnel Fact-Finding Committee shall consist of three persons, as indicated below:
 - (1) The Chairman of the Employee Personnel Committee. If the Chairman of the Employee Personnel Committee is unable to attend the review, or if the employee whose appeal is to be considered is in the same department where the Chairman is employed, the Employee Personnel Committee Vice-Chairman shall serve on the Personnel Fact-Finding Committee. If both the Chairman and the Vice-Chairman of the Employee Personnel Committee are unable to serve for any reason, the City Administrator shall appoint a member of the Employee Personnel Committee who has no direct connection with the employee whose appeal is to be considered.

- (2) Two Directors, who have no direct connection with the employee whose appeal is to be considered. The City Administrator shall designate the Directors.
- B. Duties of the Personnel Fact-Finding Committee are to review and consider appeals filed by any employee in the classified service regarding dismissal, demotion, or suspension without pay. The Committee shall forward a written report including findings of fact and a recommendation, if any, to the City Administrator.

Section 3. Personnel Fact-Finding Committee Review Process

- A. If a written notice of appeal is filed within 7 calendar days of the date of dismissal, demotion, or suspension order, the Personnel Director shall convene the review not more than 14 calendar days after the appeal is submitted unless the employee and Personnel Director agree in writing to a later date. The review shall be private and shall not be an adversarial proceeding. The Personnel Fact-Finding Committee shall be an administrative function of the City Administrator's office.
- B. The Personnel Director shall establish and communicate review times and dates, shall give written notice to all parties of the same, shall provide any necessary administrative support, and shall attend all meetings of the Committee and be responsible for electronically recording all proceedings and providing a digital copy of the same to the Committee. However, the Personnel Director shall not participate in the Committee's deliberations as to the facts and the recommendations of the Committee, except as called by the committee as a witness.
- C. The Personnel Fact-Finding Committee shall meet individually with the employee, the employee's Director, and any other persons the Committee wants called. Each person shall be given the opportunity to present their understanding of the facts and shall answer any questions asked by the Personnel Fact-Finding Committee.
- D. If the employee has documents for the committee to consider, he must give a copy to the Personnel Director at least seven (7) calendar days before he is scheduled for interview, to allow the committee time to review the information.
- E. Within 7 calendar days following the completion of the review, the Personnel Fact-Finding Committee shall furnish the City Administrator with a summary of the review, its finding of fact, and its recommendations, if any.
- F. Within 7 calendar days following the delivery of the Personnel Fact-Finding Committee's report to the City Administrator, the City Administrator shall review the report and issue a written decision. A copy of this decision shall be given to the employee and the Director.

Section 4. Reinstatement of Back-Pay

When rendering a decision, the City Administrator may order reinstatement of any or all back-pay and/or allowances which may be due the employee because of the dismissal, suspension without pay, or demotion.

The above Administrative Rule is hereby established and adopted in accordance with the Personnel Manual of the City of Branson, Missouri.



Dean Kruithof, City Administrator

12-15-2010
Date

CITY OF BRANSON, MISSOURI
PERSONNEL RULES AND REGULATIONS

RULE NUMBER 3 REFERENCING ARTICLE 3 OF THE PERSONNEL MANUAL
AMENDED 5- 1-2010, 7-13-2011

A RULE PERTAINING TO **OUT-OF-CLASS AND ACTING ASSIGNMENT PAY**

Section 1. Purpose

To provide, under the conditions described below, that when classified employees are assigned the duties and tasks of positions in a higher pay range they shall be compensated accordingly.

- A. Regular employees may be required to perform duties not contained within the class specifications for the position in which they are currently employed.
- B. Regular employees may be required to work an unlimited number of hours in an out-of-class status.
- C. Directors and the Personnel Director shall determine that individuals selected to perform out-of-class work or who have been given an acting assignment are qualified to perform assigned duties and tasks. All out-of-class and acting assignments shall be made only after approval of the City Administrator.

Section 2. Compensation for Out-of-Class Work and Acting Assignments

- A. If the employee performs all of the duties assigned of a higher classification for a period greater than fourteen (14) consecutive calendar days (120 hours for firefighters), except as noted in B. below, the employee shall be compensated at the greater of the following for every consecutive calendar day worked out-of-class thereafter:
 - (1) The base rate of the position in the higher classification.
 - (2) At a rate of 5% greater than the employee's current rate of pay.
- B. If an employee is placed in an acting assignment to fill a position vacated by an employee, to fill a position of an employee on extended authorized leave, or to temporarily fill a significant portion of a newly created position, that employee shall begin receiving all special pay and/or benefits given for the position in which

the employee is serving the acting assignment from the time of assignment.

Section 3. Special Conditions

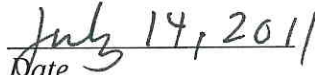
No employee shall refuse to perform duties assigned by the employee's supervisor or such employee shall be subject to the disciplinary actions contained within the Personnel Manual.

Section 4. Return to Normal Duties

An employee who has been performing out-of-class or acting assignment duties shall be returned to the employee's regular or normal duties and pay once the out-of-class or acting assignment is completed.

The above Administrative Rule is hereby established and adopted in accordance with the Personnel Manual of the City of Branson, Missouri.


Dean Kruithof, City Administrator


Date

CITY OF BRANSON, MISSOURI
ADMINISTRATIVE RULES

RULE NUMBER 4 REFERENCING ARTICLE 4 OF THE PERSONNEL MANUAL
AMENDED 5-1-2010, 1-1-2011, 7-13-2011

A RULE PERTAINING TO **CORRECTIVE AND DISCIPLINARY ACTIONS**

Section 1. General

Unclassified employees serve at the pleasure of the City Administrator and Board of Directors; therefore, the provisions for corrective and disciplinary actions set forth in this article shall not be applied to unclassified employees. Likewise, unclassified employees are not entitled to the grievance or appeal rights granted to classified employees.

Section 2. Disciplinary Action

- A. The City reserves the right to discharge, suspend, demote, or otherwise discipline employees for violations of all laws, Personnel Articles, Administrative Rules, or department Administrative Rules. The disciplinary process involves four steps of progressive discipline for infractions of a similar nature and which are of a nature not normally serious enough to constitute cause for immediate suspension or dismissal. The seriousness of an offense shall be determined by the Director, the Personnel Director and the City Administrator. Each step, as noted below, shall be documented and discussed with the employee. The employee will sign and be given a copy of the documentation, such signature being an acknowledgment of the employee having read and understood the disciplinary action, not an acknowledgment that the employee agrees with the disciplinary action.

The progressive steps are:

First offense:	Documented verbal warning
Second offense:	Written warning
Third offense:	Suspension or Demotion
Fourth offense:	Dismissal

B. The progressive disciplinary system listed above is intended to serve as warning to the employee that he needs to correct the infractions which are the subject of the progressive disciplinary action and that further incidents will result in suspension or dismissal. The City reserves the right to determine that any violation of any of the other work rules during the course of a progressive disciplinary action may constitute grounds for immediate dismissal.

- (1) Employees hired before or on December 31, 2009: Disciplinary action(s) not considered serious enough for immediate dismissal, demotion, or suspension, shall be removed from an employee's personnel file on completion of two years of continuous service free from additional disciplinary actions.

Employees hired after December 31, 2009: All disciplinary actions shall remain a part of the employee's permanent personnel file.

- (2) Directors shall have the right to discipline employees up to and including dismissal, provided however, that all actions to suspend, demote, or dismiss employees shall be subject to all other due process requirements as established in the City's Personnel Manual. All disciplinary actions shall require the review and approval of the Personnel Director and the City Administrator. In addition, all dismissals, demotions and suspensions shall require the approval of the City Administrator. Supervisory employees shall have the right to initiate progressive disciplinary action with the approval and with the authority of the Director.
- (3) Examples of offenses not normally considered serious enough to warrant immediate suspension, demotion or dismissal are as follows. This list does not constitute a complete and total listing of offenses but is for illustrative purposes only.
 - a. accidental destruction or loss of City property or City records
 - b. improperly using or obtaining leave time
 - c. tardiness
 - d. absence from work area without permission or proper notice
 - e. interference with the regular conduct of City business
 - f. consistent or continual unavailability for work
 - g. negligence or improper conduct leading to damage of public or private property or resources

- h. excessive absenteeism, any absence without notice, or a consistent pattern of sick time usage observed by the director as potential abuse. Excessive absenteeism is defined as usage of more than 80 sick hours (96 for fire) in a calendar year, with the exclusion of FMLA or Workers Compensation time
 - i. engaging in habits which interfere with the individual's or any other employee's performance on the job
 - j. disrespectful conduct
 - k. violation of any other Personnel Article, Administrative Rule, work rule or departmental policy, either expressed in writing or verbally by a supervisor
- (4) Examples of offenses which may constitute sufficient cause for immediate suspension, demotion or dismissal are as follows. This list does not constitute a complete and total list of offenses but is for illustrative purposes only. The City reserves the right to determine that any violation of the rules may constitute cause for immediate suspension, demotion or dismissal depending on the circumstances relating to the offense.
- a. dishonesty in any form or degree
 - b. theft or inappropriate removal or possession of property or records belonging to the City
 - c. knowingly making false statements in matters relative to employment
 - d. insubordination or other severely disrespectful conduct
 - e. abusive language, written or spoken, or abusive conduct toward a client, citizen or other individual in the community or City employee
 - f. verbal or non-verbal harassment
 - g. disregard for the City's EEO policy prohibiting discrimination
 - h. solicitation or acceptance of money or anything of value to influence decisions in public matters or as a reward for such decisions

- i. possession of any type of weapon inside any City building or on the employee's person or in any private vehicle parked on non-leased City property; handling of any weapon on City property, even in private vehicles. This section shall not pertain to law enforcement or military officers in the performance of their duties. Possession of any weapon(s) is strongly discouraged on City property
- j. possession, distribution, sale, consumption or being under the influence of any alcoholic, narcotic or other controlled substance while on City property.
- k. unauthorized disclosure of confidential information
- l. fighting or threatening violence in the workplace
- m. unsatisfactory performance or conduct
- n. inappropriate use of any personal media device while on duty, or city issued device at any time. This includes unauthorized taking, displaying, or transmitting of any images or documents, at any time, that are taken by such media device during work hours for any means other than official business of the City of Branson.
- o. using city vehicles, equipment or property for personal use.
- p. Continuation of excessive absenteeism which leads to an employee's second 12-month period of sick time probation will also include a three (3) day unpaid suspension (one 24-hour shift for firefighters) at the beginning of the second 12-month probation. It is grounds for immediate dismissal, if at any time during the second 12-month period of sick time probation an employee uses over 80 hours of their sick time that is not FMLA or W.C. related. The Director does not have to wait for the 12-month period to expire.
- q. ignoring, violating, or failing to observe rules of safety or refusal or failure to employ safe working practices, thereby jeopardizing personal safety, and the safety of others, or causing damage to or destruction of public or private property
- r. ignoring, violating or failing to observe rules of safety involving the use of personal protective equipment as outlined in the safety manual or loss prevention manual

C. Process for Serious Disciplinary Actions

If the Director, the Personnel Director and the City Administrator determine that there are reasonable grounds for serious disciplinary action to be taken against an employee, the Director shall prepare a written notice informing the employee that serious disciplinary action is being considered against him, giving him the specific reasons and information related to the proposed action, and setting a date and time for the employee to meet and discuss the issue with the Director and Personnel Director. Once the employee has been given the opportunity to present any further information he would like to have considered, either a lesser action or one of the following serious disciplinary actions may be taken.

(1) Dismissal

If the Director determines that there are reasonable grounds for dismissal, the Director shall prepare a written dismissal notice which shall state the specific reasons for dismissal with sufficient specific information to reasonably inform the employee of the reasons for dismissal. Such dismissal notice shall be coordinated with the Personnel Director, approved by the City Administrator, and then served on the employee or mailed to the employee's most recent known address. A signed confirmation of delivery or mailing from the supervisor or Director shall be attached to a copy of the dismissal notice and filed with the Personnel Director. All classified regular employees who are dismissed for cause may avail themselves of the appeal procedures of these Rules.

(2) Involuntary Demotion

- a. The Director may demote an employee for performance or disciplinary purposes. Written notice of the demotion shall be coordinated with the Personnel Director, approved by the City Administrator, and then delivered to the employee on or before the effective date of the demotion. Confirmation of delivery from the supervisor or Director shall be attached to a copy of the demotion and filed with the Personnel Director. An employee who is demoted to a lower class for which the maximum rate of pay is less than the current rate of pay in the higher class shall be paid at a rate which shall not exceed the maximum rate of the lower class, or exceed the former rate of pay. All classified regular employees may avail themselves of the appeal procedure.
- b. Demotion from Promotion: A promoted employee who fails to perform minimum requirements of the position during the probationary period in the new position may be demoted. No right of appeal shall exist in this case.

(3) Voluntary Demotion

- a. Upon written request of the employee, and with the consent of the Director(s) and the City Administrator, a voluntary demotion may be made to a lower class. If the position for which demotion is intended is in another department, input from both Directors shall be considered. No demotion shall be made to a position for which the employee does not possess the minimum qualifications.
- b. When an employee is voluntarily demoted the salary in the new position shall be established by the Director and the Personnel Director, and approved by the City Administrator.

(4) Suspension Without Pay

- a. The Director may suspend an employee without pay for disciplinary purposes, with the provision that exempt employees will be subject to suspensions without pay only in amounts of one week or more unless the disciplinary action is the result of a serious safety violation or for one or more full days imposed in good faith for workplace conduct rule infractions. Any suspension without pay shall be ordered in writing after prior coordination with the Personnel Director and approval by the City Administrator. The order shall contain reasons and duration of the suspension. A copy shall be provided to the employee on or before the effective date of the suspension. All classified regular employees may avail themselves of the appeal procedure.

Section 3. Administrative Leave

The Director, with approval of the City Administrator, may place an employee on administrative leave with or without pay at any time for the purpose of investigating allegations against the employee which could result in disciplinary action. Any administrative leave shall be ordered in writing after coordination with the Personnel Director. Administrative leave with pay shall not be considered a disciplinary action and shall not have any appeal rights. After the investigation has been completed, for which the employee was placed on administrative leave, the Director, after coordination with the Personnel Director, and with the approval of the City Administrator, shall dismiss, demote, suspend without pay or reinstate the employee without prejudice. If the employee is dismissed, demoted or suspended without pay, such action will follow the procedures established in these Rules. If the employee is reinstated without prejudice, all reference to the administrative leave shall be removed from the employee's personnel file.

Section 4. Performance Related Corrective Actions

Each employee of the City shall be evaluated at least annually. Either the annual evaluation or any other special evaluation may be used to invoke a performance based corrective action.

A. Types of Evaluations Used for Corrective Probation

- (1) Annual Evaluation: When an annual evaluation is conducted and the Director determines that such employee's performance is "less than satisfactory" with respect to any or all of the duties, tasks, and/or responsibilities set forth in the employee's classification specifications, a corrective probation may be invoked.
- (2) Special Evaluation: At any time during the year when a Director determines that an employee's performance is "less than satisfactory" with respect to any or all of the duties, tasks, and/or responsibilities set forth in the employee's classification specifications, a special evaluation may be conducted and a corrective probation may be invoked.
- (3) All evaluations shall be performed pursuant to the adopted standards contained within the employee's classification specification.
- (4) An employee receiving a ranking of "less than satisfactory" on any evaluation shall be informed in writing of the reasons for the ranking and the areas of improvement needed and shall be given a quarterly period of time to improve his performance to a satisfactory level. The employee shall be considered to be on a probationary status during the corrective probation.

B. Corrective Probation

- (1) Corrective probation shall be invoked in up to two quarterly intervals, which periods shall be considered an opportunity for the employee to improve his performance to an acceptable level. The Director shall identify in writing the reasons for the probation and the areas of improvement necessary to improve the employee's performance.
- (2) The employee shall be given an evaluation on the completion of each quarterly probationary period. In the event that an employee's performance has not improved to a satisfactory level, the Director, with the concurrence of the Personnel Director, may take the appropriate action of:
 - a. demotion to a position of lesser responsibilities within the expected abilities of the employee;

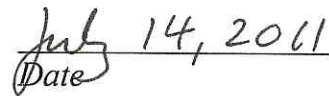
- b. extending the corrective probationary period for another quarterly time period; or
 - c. dismissal of the services of the employee.
- (3) If, at any point during the corrective probationary period, the Director determines that no improvement has been made, or that other disciplinary action becomes necessary, the Director may, with the approval of the Personnel Director and City Administrator, immediately impose one of the appropriate actions as outlined by this section.

Section 5. Employee Right to Grieve or Appeal Disciplinary or Corrective Action

Classified employees who have completed their initial probationary period are entitled to avail themselves of the grievance or appeal process as specified in other sections of the Personnel Articles and Administrative Rules. Evaluations utilized for performance related corrective actions and any decision to invoke probation shall be subject to the grievance procedure only to the extent that factual information on the evaluation can be shown to be incorrect. Decisions regarding corrective probationary status, based on evaluations, shall not be subject to grievance.

The above Administrative Rule is hereby established and adopted in accordance with the Personnel Manual of the City of Branson, Missouri.


Dean Kruithof, City Administrator


Date

CITY OF BRANSON, MISSOURI
PERSONNEL RULES AND REGULATIONS

RULE NUMBER 5 REFERENCING ARTICLE 13 OF THE PERSONNEL MANUAL

A RULE PERTAINING TO **NON-DISCIPLINARY REDUCTIONS IN FORCE**

Section 1. Reductions in Force (RIF)

- A. A RIF is a reduction in the work force due to a shortage of funds, lack of work, abolishment of a position, or other material change in duties or organization.
- B. The order of separation due to a RIF will be as follows:
 - (1) Temporary, part-time and probationary employees in a class shall be the first affected by a RIF, before regular full-time employees in the same class.
 - (2) The order of dismissal for regular, full-time employees shall be determined by a combination of performance and seniority.
 - a. Performance: Employees with the highest consistent performance as compared to other employees in the same class over a comparable period of time shall be retained, provided they can perform the specific requirements of the position. Performance shall be determined through the following criteria:
 - (1) The employee's last four (4) written performance evaluations, if in existence. However, this shall not include any evaluations given after any notice of a RIF or within 90 calendar days of such notice.
 - (2) The history of an employee's written disciplinary actions during the past three (3) years.
 - (3) The employee's written record of attendance for the past three (3) years.
 - (4) A written assessment from the current Director.
 - b. Seniority: If two candidates are equal with regard to performance, seniority shall be used to determine the order of separation. Seniority is measured as the length of continuous unbroken service as a regular full-time employee of the City.

- c. The Personnel Director shall attempt to effect the reassignment, transfer or demotion of an employee who is faced with a RIF, provided that there is an existing, vacant position for which the employee is qualified.

C. Re-employment.

- (1) An employee who has been dismissed due to a RIF shall have his or her name entered on a re-employment list and shall be given first consideration when a vacancy occurs in the same or similar position the employee last held. In the event that there are two RIF'd employees in the same position, seniority will be considered in the call-back decision.
- (2) An employee's name shall be removed from the re-employment eligibility list for any one (1) of the following reasons:
 - a. Expiration – Expiration of time limit eligibility is detailed in the following schedule.

Time Limit For Recall As Determined By Length Of Service

<u>Year(s) Of Continuous Service (Employment)</u>	<u>Maximum Period of Recall Eligibility</u>
0 - 1 Year	-0-
1 - 2 Years	4 Weeks
2 - 3 Years	8 Weeks
3 - 4 Years	12 Weeks
4 - 5 Years	16 Weeks
5 - 6 Years	20 Weeks
6 - 7 Years	24 Weeks
7 - 8 Years	28 Weeks
8 - 9 Years	32 Weeks
9 - 10 Years	36 Weeks
10 - 11 Years	40 Weeks
11 - 12 Years	44 Week
12 Years and Over	48 Weeks

- b. Waiver: After a period of eight (8) weeks, an employee may elect to waive the right to recall by signing a waiver form provided by the City.
- c. Forfeiture: Employees may forfeit the right to recall if they:
 - (1) Refuse a job in a position that is not more than two ranges below their position at the time of the RIF, with the understanding that their names will be left on the recall list for consideration for future vacancies.

(2) Refuse to respond to a recall within five (5) days of notice and to return to work within a two week period.

(3) Fail to answer written inquiries from the City's Personnel Director.

(4) Fail to advise the City of a change of address or telephone number.

D. Reinstatement.

(1) Wages: If employees are recalled to their former position within six (6) months, they shall be paid at their previous rate of pay plus any across-the-board adjustments to which they would have been entitled had the RIF not occurred. If recalled to a lower position, employees shall receive compensation at a rate of pay consistent with the duties and responsibilities of that position.

(2) Benefits.

- a. Vacation: When employees dismissed due to a RIF are recalled within the time limits provided in this policy, they will then recommence to accrue and be entitled to vacation pay.
- b. Sick leave: Any sick leave accumulated and not utilized at the time of the RIF will be reinstated at the time of recall.
- c. Seniority: Employees retain seniority for the sole purpose that they be able to resume earning leave time immediately upon recall.

E. Notice

(1) Regular Full-time Employees

- a. Director shall give written notice to the employee of any RIF and the reasons therefore at least five (5) working days prior to the effective date of the RIF, provided the employee is being dismissed due to the RIF and through no fault of his own.
- b. This five (5) working day notification may be waived in lieu of five (5) days pay at the employee's straight time, base rate.

(2) Non Full-time and Probationary Employees

- a. Because temporary and part-time employees are hired for a specific period of time, the Director may notify those employees of their starting and termination dates at the time of hiring.
- b. Temporary, part-time and probationary employees may be terminated at any time, without prior notice.

F. Employee Benefits During RIF's

- (1) Vacation time: An employee dismissed due to a RIF may elect to take any vacation or compensatory time which the employee has accrued prior to the RIF. Vacation time, however, does not accrue during the separation. Payment for vacation time taken during the RIF may be made by the City in equal increments on a pay period basis.
- (2) Group Insurance: An employee may elect to continue group insurance to the extent required by law. Timely payment of premiums will be the responsibility of the employee.
- (3) Other benefits: Additional benefits (sick leave, holiday, retirement contribution or other insurance) will neither accrue nor be paid when an employee has been dismissed due to a RIF.

G. Grievance

Dismissals and demotions necessitated by RIF's shall not be subject to grievance procedures except in regard to the order of reduction in force among affected employees.

The above Administrative Rule is hereby established and adopted in accordance with the Personnel Manual of the City of Branson, Missouri.


Dean Kruithof, City Administrator

12-16-2018
Date

CITY OF BRANSON, MISSOURI
ADMINISTRATIVE RULES

RULE NUMBER 6 REFERENCING ARTICLE 14 OF THE PERSONNEL MANUAL
AMENDED 1-1-2011

A RULE PERTAINING TO **GRIEVANCES AND GRIEVANCE REVIEW COMMITTEE**

Section 1. Purpose

- A. To assure employees that their concerns or grievances will be considered fairly, rapidly and without reprisal, coercion or discrimination.
- B. To determine what is right, rather than who is right, and to provide for the objective consideration of employee problems.
- C. To establish uniform policies and procedures in handling employee concerns and employee grievances.
- D. To determine the respective rights and obligations of all involved employees and to resolve concerns or grievances on matters for which an appeal or hearing is not provided by other rules.
- E. To provide a systematic means of obtaining further consideration of problems after every reasonable effort has failed to resolve them.
- F. To provide that all concerns or grievances shall be settled as near as possible to the point of origin.
- G. The provisions of this rule shall apply to all classified employees.

Section 2. Definition of a Grievance Procedure

A grievance procedure is a formal procedure available to a regular classified employee who has completed the probationary period to challenge an alleged improper application of the policies and procedures established by the Personnel Articles or Administrative Rules and which the employee believes is adversely affecting the employee's working conditions. Dismissals, demotions and suspensions without pay are subject to appeal as noted in other sections of the Personnel Articles and Administrative Rules.

Section 3. Time Limit for Presentation of Grievances

No grievance shall be considered unless it is presented in writing, or if more than fifteen (15) calendar days have elapsed from the date of the circumstance which gave rise to the grievance, or from the date when the employee should reasonably have known of the circumstance.

Section 4. Procedure

- A. If an employee believes that grounds for a grievance exist, the situation must first be discussed with his immediate supervisor. If the problem is not resolved with the immediate supervisor, by discussion, then the employee must put the grievance in writing, if the employee wishes to pursue the grievance further. The Personnel Director will provide procedural assistance when requested.
- B. The employee must file the written grievance with his immediate supervisor. The supervisor shall return a copy of the written grievance to the employee within five (5) business days with the supervisor's written response to the employee's grievance. A copy shall be filed with the Personnel Director.
- C. If the employee is not satisfied with the immediate supervisor's response, the employee may submit the grievance within five (5) business days to the next person in the chain of command. This process shall continue, if necessary, up to and including the employee's Director. If the employee is not satisfied with the Director's response, then the employee must notify the Personnel Director in writing of the same. The Personnel Director shall then notify the City Administrator.
- D. If the immediate supervisor, or any person in the chain of command up to and including the Director, fails to respond in writing within the five (5) business days, the employee may proceed to the next step without further delay.
- E. Any or all of the time limits mentioned in this Section may be extended by mutual written agreement of the parties involved.

Section 5. City Administrator's Action

- A. The City Administrator shall do one of the following:
 - (1) Within five (5) business days the City Administrator shall render a written decision to the employee. There is no further administrative appeal beyond the Administrator's written decision on the grievance; or

- (2) The City Administrator shall, within three (3) business days, convene a Grievance Review Committee. The Committee shall review the grievance and within five (5) business days render a written recommendation to the City Administrator on the grievance. The Committee shall be provided all written document generated to that point and shall be allowed to interview any and all individuals as may be required.
- B. The City Administrator shall respond within five (5) business days from the receipt of the Grievance Review Committee's recommendations and give a written decision to the employee. The Grievance Review Committee's recommendation shall be advisory only, and there is no further administrative appeal beyond the Administrator's written decision on the grievance.
- C. A copy of the Administrator's final decision shall be filed with the Personnel Director.
- D. The City Administrator may extend the time limits in this section by giving written notice to the employee.

Section 6. Grievance Review Committee

- A. If the City Administrator refers the grievance to a Grievance Review Committee, the committee shall be composed of three (3) regular full-time City employees, none of whom will be from the department of the employee filing the grievance. The Personnel Director and the City Attorney may not be members of the committee. Committee members will be chosen as follows:
 - (1) One member of the Employee Personnel Committee selected by the employee who filed the grievance.
 - (2) One employee selected by the Director of the employee who filed the grievance.
 - (3) One employee appointed by the City Administrator.
 - (4) The three committee members shall select one member to serve as Chairman.
- B. No employee involved in the grievance shall be a member of the Grievance Review Committee.
- C. The Grievance Review Committee may only be convened by the City Administrator.

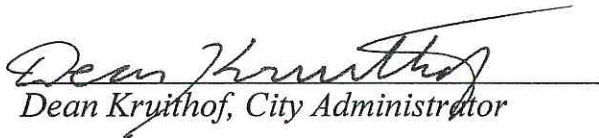
Section 7. City Time for Processing Grievances

- A. Employees shall be allowed to confer with the Personnel Director regarding the grievance procedure on City time, but only after requesting and receiving permission from their immediate supervisor. Reasonable requests shall be granted but in no case shall the request interfere with the employee's assigned work.
- B. Use of City time to discuss grievances with persons other than employees involved in the grievance is strictly prohibited. It is the responsibility of all City employees involved in the grievance process to maintain confidentiality.

Section 8. City Time for Serving on Grievance Review Committee

The Chairman of the Grievance Review Committee, as selected by the members, will coordinate and schedule the review process. Employees selected to serve on Grievance Review Committees shall be allowed to do so as necessary and as scheduled by the Chairman of the Grievance Review Committee. Employees shall be granted compensatory time, if eligible, when they are required to attend Grievance Review Committee meetings during other than their normal shift.

The above Administrative Rule is hereby established and adopted in accordance with the Personnel Manual of the City of Branson, Missouri.


Dean Kruithof, City Administrator

12-15-2010
Date

CITY OF BRANSON, MISSOURI
PERSONNEL RULES AND REGULATIONS

RULE NUMBER 7 REFERENCING ARTICLE 16 OF THE PERSONNEL MANUAL
AMENDED 5-1-2010

A RULE PERTAINING TO TRAVELING ON BEHALF OF THE CITY

Section 1. Purpose

The purpose of this rule is to insure the fair and uniform treatment of all employees traveling on behalf of the City and to protect the interests of the City.

Section 2. Policy

- A. Requests for travel shall be approved only for travel to transact official business, attend official and professional meetings, and participate in conferences and training sessions necessary to promote the efficient conduct of City services.
- B. Only expenses incurred by the employee in the transaction of official business are to be reimbursed. Expenses such as personal entertainment, alcoholic beverages and expenses incurred by the employee's family are not reimbursable.
- C. Travel requests must be approved by the City Administrator prior to the travel unless an exception is granted by the City Administrator.

Section 3. Classification of Expense Items

The following list of allowable expenses is intended as an informational guide for determining appropriate expenses when traveling on City business. It is not all inclusive and interpretation is within the scope of the City Administrator.

- A. Transportation
 - (1) City vehicles shall be the standard method of transportation while traveling within the State; however, travel by air or personal vehicle may be approved when circumstances warrant.
 - (2) Air, City vehicle or personal vehicle may be approved for out-of-state travel when circumstances warrant.

- (3) When a City or personal vehicle is used for travel; lodging, meals and travel time will be allowed on the same basis as if the individual has traveled by air. Time used in excess of air travel will be charged to vacation or accumulated compensatory time with few exceptions.
- (4) Use of personal vehicles may be authorized when the convenience of the City is served. If an employee does not have a City vehicle available and use of a personal vehicle is authorized, a flat rate per mile equivalent to the prevailing IRS rate will be allowed. The most direct route will be used when calculating vehicle mileage. If an employee has a City vehicle available and uses a personal vehicle for their own convenience, the City will pay what it would have cost if a City vehicle had been used – the cost of the employee's gasoline. In addition, if two employees are to ride together in one City vehicle, and one employee decides to take their own vehicle for their own convenience, there will be no reimbursement for gasoline for the personal vehicle. The total allowance shall in no case exceed the cost of air passage if such service is available
- (5) When air travel is necessary, tourist or discount airline rates shall be considered standard for out-of-state travel. First class travel is not allowed.
- (6) When air travel is used, expenses for local transportation such as taxi, shuttle fare, or car rental will be allowed whenever such transportation is necessary to properly conduct City business. Receipts should be obtained.
- (7) Private general aviation aircraft can be used when circumstances warrant.
- (8) When traveling with family members, the City will only pay for the employee's fare at the lowest cost.

B. Lodging

Expenses will be allowed for adequate housing necessary and appropriate to the purpose of the trip (relative to the area and availability where business is taking place). Receipts must be provided. Additional rates necessitated by family members will be at the employee's expense.

C. Meals

- (1) Except for local travel as defined by Section 4 A. of this rule, the City provides per diem allowances for meals necessary in the conduct of City business. Per diem allowances shall be established annually by the Finance Department, based upon IRS guidelines for both standard and higher allowance locations. No expense for alcoholic beverages shall be reimbursed.

- (2) No allowance will be given for meals that are included with the registration fee. The per diem meal allowance will be prorated and adjusted for meals provided through registration fees or other special arrangements which relieve the employee of out-of-pocket expense.
- (3) The number of meals provided per day will depend upon when the employee would have departed from or arrived back at their normal work site, even if they don't actually leave from that site. Departure before 6:30 a.m. entitles the employee to the breakfast per diem allowance and arrival back after 6:30 p.m. entitles the employee to the evening meal per diem allowance.

D. Telephone and Fax Expenses

Telephone and fax charges will be allowed for official calls only and require proper documentation. Official calls may be interpreted to mean local business calls; long distance calls related to City business; or personal calls home while traveling on City business (15 minute maximum, not to exceed one call per day).

E. Registration Fees

Fees charged for registration at any convention or meeting are allowed for reimbursement. A receipt or some other proof of the fee, such as a copy of the conference program setting forth the fee rate, must be provided.

F. Miscellaneous

All miscellaneous expenses must be itemized. Incidental expenses may include parking fees, toll road fees and gratuities for baggage handling. Gratuities for meals are included in per diem meal allowances, and should not be listed as a miscellaneous expense.

- G. Discretion is allowed, with the approval of the Director and the City Administrator, for expenses to provide for unusual circumstances. All requests for special considerations shall be in writing and attached to the travel request.

Section 4. Procedure

To facilitate control of travel costs and to insure accountability, the procedures for authorization, advance payments, reconciliation of advances, and reimbursement for approved expenses should be as follows:

- A. Expenses for local travel (this includes cities within a forty-five mile radius) for which only staff time and the cost of one meal will be expended, will be

reimbursed to the employee through petty cash following the actual travel. Per diem allowances shall not apply to these expenses. A Petty Cash Reimbursement Form must be completed and turned in to the Finance Department, with the receipt attached, to qualify for reimbursement. Directors shall be responsible for ensuring that the meal expense is within reason for the circumstances.

B. All other travel to attend conferences, training sessions, or other meetings shall be requested on the official Travel Request Form, and must be supported by a program or other evidence.

- (1) Any person traveling on behalf of the City shall submit the above noted form on which the nature of the trip, destination, dates of the beginning and termination of the official leave, and estimates of expenses must be stated.
- (2) Authorization and approval by the Director and the City Administrator is required for all out-of-City travel, except as noted in A. above. Criteria for approval shall include, but not be limited to, availability of budgetary funds, manpower required to cover for the traveling employee and applicability of training or travel to the employee's job responsibilities.
- (3) Requests for prepaid expenses such as room costs, airfare and registrations must be noted on the Travel Request Form in the Advance Expense Column with the vendor noted and the date needed. Travel requests which require prepaid expenses should be submitted at least ten days in advance of the anticipated travel.
- (4) Advance Payments
 - a) Travel advances are available for City employees and must be noted on the Travel Request Form in the Expense Advance Column with the employee's name noted in the Payment Instructions Column. These advances may include mileage allowance for use of a personal vehicle, estimated expenses for use of a City vehicle, rental vehicle, lodging expenses, per diem meal allowances and any miscellaneous expenses. Advances are not allowed if the total expense is less than \$15.00.
 - b) An advance payment does not constitute approval for expenditure of the entire amount; all expenditures must be justified and approved on the completed Travel Request following completion of the travel.

C. Reporting of Expenses

The completed Travel Request Form shall be approved by the Director and filed with the City Administrator no later than five (5) working days following the

employee's return to work. Approved receipts for expenses and any unused portion of a travel advance must be attached. If the actual expense exceeds the advance, completion of the Travel Request Form with approved expenses attached shall constitute a voucher for payment to the employee.

D. Reimbursement by an Outside Agency

Whenever travel is secured on the basis of reimbursement of expenses to the City by an outside agency, the employee's Director shall be responsible for indicating this fact on the Travel Request Form and also for obtaining reimbursement.

The above Administrative Rule is hereby established and adopted in accordance with the Personnel Manual of the City of Branson, Missouri.


Dean Kryithof, City Administrator

12-15-2010
Date

CITY OF BRANSON, MISSOURI
PERSONNEL RULES AND REGULATIONS

RULE NUMBER 8 REFERENCING ARTICLE 16 OF THE PERSONNEL MANUAL
AMENDED 7-13-2011

A RULE PERTAINING TO **TUITION REIMBURSEMENT**

Section 1. Purpose

To establish policy and procedures for the administration of the Tuition Reimbursement Program.

Section 2. Responsibilities

- A. The Finance Director is responsible for certifying that monies are available and set aside in the budget for the reimbursement, as established and authorized by the Board during the annual budget approval process.
- B. Directors are responsible for ensuring that all eligible employees follow the policies and procedures outlined in this rule and for approving/disapproving requests for tuition reimbursements.
- C. Upon receipt of the application, the Personnel Director is responsible for verifying the reimbursable amount, the accreditation of the school, and the availability of budgeted funds. Following completion of the course, the Personnel Director is responsible for verifying that employees have received a passing grade of "C-" or higher, or its equivalent where letter grades are not used, that completion of the appropriate course(s) is documented, and that reimbursement is appropriate.
- D. Employees are responsible for the timely submission of Tuition Reimbursement requests and for ensuring that application forms are completed accurately and prior to the start of the course for which reimbursement is requested.

Section 3. Policies

- A. Any regular full-time employee who has successfully completed the initial probationary period; has had no disciplinary action for one year prior to the request and obtained a satisfactory performance rating on their last evaluation, is eligible for consideration of tuition reimbursements.

- B. Eligible employees may be reimbursed for courses taken at a fully accredited school, college, or authorized technical trade school. Accreditation must be documented by an institution accrediting association. Courses of education or training must be in areas related to a City career field and must meet the following requirements:
- (1) It must be a City career-related course towards the professional enhancement of the employee in which a grade or its equivalent is given and usually consists of a semester's work of several weeks duration; or
 - (2) It must be a course which is listed on an approved job-related degree plan. Degree plans are required for Associate (2 year), Bachelor (4 year), and Graduate degrees; and
 - (3) It must be a course taken during the employee's off-duty time.
- C. The maximum number of semester hours that may be reimbursed per employee in a fiscal year is 6 hours. Reimbursement will be for the full amount of class credits, unless it will exceed the 6 credit hours per year total. The completion date of the class will determine to which fiscal year the hours will be charged. Reimbursement will not exceed the hourly rate charged for credit courses at Missouri State University in Springfield, plus related books, if supported by an itemized receipt.
- D. The amount of reimbursement shall be reduced by any financial assistance the employee receives from any outside source. When applying for tuition reimbursement, the employee must indicate on the Tuition Reimbursement Application Form any financial assistance received from an outside source which the employee is not required to repay. The following steps will be utilized to calculate the reimbursement amount.
- (1) Net cost of course = cost per credit hour X # of credit hours requesting reimbursement for (If the MSU rate is lower, this is the per credit hour rate that will be used). This amount is then reduced by any financial assistance obtained.
 - (2) The dollar amount for required course books is added to the above amount.
 - (3) The two above amounts are totaled to equal the Total Amount Eligible for Reimbursement.
 - (4) Reimbursement amount will then depend upon the class grade obtained.

- E. Eligible costs, to the amount authorized, may be paid to the employee upon presentation of proof of payment and a passing grade of "C-" or higher. Total eligible reimbursement will be at the following schedule:

Grade of A: 100%
Grade of B: 90%
Grade of C: 80%
Grade of below a C-: No reimbursement

Pass/Fail Class: Reimbursed at 100% if the employee passes
- F. This rule does not provide for reimbursement or direct pay for courses, seminars, workshops or memberships required by a Department. Such training should be directly financed by that Department.
- G. If an employee terminates from City employment for any reason except for illness, disability or a RIF, within 12 months of completion of the course, the employee shall return to the City 100% of the reimbursement. If an employee terminates from City employment for any reason except for illness, disability or a RIF, more than 12 months but less than 24 months of completion of the course, the employee shall return to the City 50% of the reimbursement.

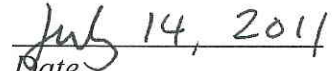
Section 4. Procedures

- A. Application for tuition reimbursement must be initiated by completion of a Tuition Reimbursement Application form, and approved prior to the start of the desired course.
- B. The employee must submit the form along with an official copy of the degree plan obtained from the school, or the course description, whichever is applicable, to his immediate supervisor.
- C. After approval has been obtained from the Director, the application shall be forwarded to the Personnel Director. The Personnel Director will verify the reimbursable amount; the accreditation of the school; and the availability of funds and shall notify the employee in writing of the approval and the amount that may be reimbursed. Disapproved requests will be returned through the Director to the employee with reasons for disapproval.
- D. When the course has been completed, the employee will forward proof of payment and of the passing grade to the Personnel Director. The Personnel Director will request that payment be made.
- E. Approved and subsequently paid tuition reimbursement requests shall be kept in a separate file in the Personnel department.

The above Administrative Rule is hereby established and adopted in accordance with the Personnel Manual of the City of Branson, Missouri.



Dean Kruithof, City Administrator



Date

CITY OF BRANSON, MISSOURI
PERSONNEL RULES AND REGULATIONS

RULE NUMBER 9 REFERENCING ARTICLE 18 OF THE PERSONNEL MANUAL

A RULE PERTAINING TO FAMILY AND MEDICAL LEAVE ACT (FMLA)

Section 1. Eligibility

In adherence to the Family and Medical Leave Act (FMLA) of 1993 and as revised effective January 16, 2009, the city will comply by granting up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

Eligible employees must have worked for the City for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. In addition, the employee must work in a worksite where 50 or more employees are employed by the city with 75 miles of that office or worksite.

Section 2. Leave Entitlement

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- A. The birth, adoption of, or foster care placement of a child; or to provide care for the child.

If the leave is for the birth or placement of a child, the employee must give at least 30 days notice if possible. If this is not possible, as much notice as is practical must be provided. If a husband and wife both work for the City and each wishes to take leave for the birth, adoption or placement of a child in foster care, the husband and wife may only take a combined total of 12 weeks of leave. Leave must be concluded within 12 months of the event of birth or placement.

- B. To care for a spouse, child or parent with a serious health condition.

If the leave is for family medical care the employee must make a reasonable effort to schedule the treatment as not to unduly disrupt the operations of the city, and, if possible, must provide the city with not less than 30 days notice.

- C. The serious health condition of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position. A serious health condition is defined as a condition that requires inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care, or a condition that requires continuing care by a licensed health care provider. Upon return from a medical leave, employees must have written authorization from their healthcare provider.

Section 3. Military Family Leave Entitlements

- A. **Military Caregiver Leave:** Up to 26 weeks of job-protected unpaid leave in a single 12-month period to care for a covered service member with a serious injury or illness. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A serious injury or illness is one that was incurred by the service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating. The "single 12-month period" for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12-month period established by the City for other types of FMLA leave. An eligible employee is limited to a combined total of 26 weeks of leave for any FMLA-qualifying reason during the "single 12-month period," but only 12 weeks may be for a FMLA-qualifying reason other than to care for a covered service member. A covered service member includes a spouse, son, daughter, parent or next of kin. Next of kin is defined as the closest blood relative of the injured or recovering service member.
- B. **Qualifying Exigency Leave:** Up to a total of 12 weeks of job-protected unpaid leave during the normal 12-month period established in Section 4 below for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter or parent is on active duty or has been notified of an impending call or order to active duty, in support of a contingency operation. The qualifying exigency is available to a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the Regular Armed Forces. If a husband and wife both work for the City and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave. Qualifying exigencies include:
- Issues arising from a covered military member's short notice deployment (i.e., deployment on seven or less days of notice) for a period of seven days from the date of notification.

- Military events or related activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or supported by the military, military service organizations or the American Red Cross that are related to the active duty or call to active duty status of a covered military member.
- Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate care basis, enrolling or transferring a child to a new school or day care facility, attending certain meetings at a school or day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member.
- Making or updating financial and legal arrangements to address a covered military member's absence.
- Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member.
- Taking up to five (5) days of leave to spend with a covered military member who is on short-term temporary, rest and recuperation leave during deployment.
- Attending certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events and other official ceremonies or programs sponsored by the military for a period of 90 days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member.
- Additional activities that arise out of active duty, provided that the City and employee agree, including agreement on timing and duration of the leave.

Section 4. Designation of a 12-Month Leave Period

For the purposes of measuring the 12-month period during which each annual 12 weeks of leave entitlement occurs, the City shall use a rolling 12-month period measured forward from the date an employee's first FMLA leave begins, except as noted in Section 3 above, regarding military caregiver leave.

Section 5. Intermittent or Reduced Schedule Leave

When medically necessary, employees may take FMLA leave intermittently, which means taking leave in separate blocks of time for a single qualifying reason, or work on a reduced leave schedule, or reducing the employee's usual weekly or daily work schedule. Recertification rules will apply.

FMLA leave may also be taken intermittently for a qualifying exigency arising out of the active duty status or call to active status of a covered military member. When leave is needed for

planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the City's operations. If the FMLA leave is for birth and care, or placement for adoption or foster care, use of intermittent leave is subject to the approval of the Personnel Officer.

Section 6. Medical Leave Qualification

To qualify for medical leave an employee must have a serious health condition which renders the employee unable to perform the essential functions of the employee's job. A serious health condition is an illness, injury, impairment or mental condition which involves inpatient care, continual treatment by a health care provider and/or treatment for substance abuse. The City shall require a signed physician's certification as proof of the serious health condition of either the employee or his qualifying family member, as detailed by this Rule.

Section 7. Use of Accrued Leave

An employee requesting or being placed on family or medical leave will be required to use any eligible accrued leave, such as vacation or sick leave. Accrued leave will be substituted, hour for hour, for an equal number of hours of unpaid leave. Total FMLA allowed, both paid and unpaid, shall not exceed the 12 weeks entitlement for each 12 month period, except as noted in Section 3 above, regarding military caregiver leave.

Section 8. Job Restoration

Generally, employees granted FMLA leave will be returned to the same position held prior to leave, or one that is equivalent in pay, benefits, and other terms and conditions of employment.

Section 9. Employee Benefits

Health care benefits for all regular employees on FMLA leave will continue during leave. The City and employee will continue paying portions of the monthly premiums per City policy. The employee on leave must make arrangements with the City to pay costs, premiums and expenses due the City during leave. Any employee choosing not to return from leave may be required to repay the City for portions of the premium.

No accrual of vacation or sick leave benefits will occur while the employee is on unpaid leave.

Section 10. Leave Limitation for Working Spouses

When a husband and wife both work for the City, and the adoption or birth of a healthy child occurs or there is a need to care for a sick parent, the combined FMLA leave for both employees is limited to 12 weeks total.

Section 11. Notification

Thirty (30) days notice to the Personnel Director is required for an eligible employee to take leave under this rule. Should emergency conditions prevent such notice, notification of leave to the City is required as soon as is practical, normally the same or next business day after the employee becomes aware of the need for leave. Reporting status periodically may be required.

When the City learns that a leave request is FMLA qualifying, the City will notify the employee that the leave is designated and will be counted as FMLA leave.

Section 12. Certification

Certification of the need for care for personal illness or injury or that of a family member is required. The following information must be provided the City by the health care provider:

- *Date of the serious health condition
- *The duration of the condition
- *If applicable, the medical reasons verifying the need for intermittent leave or reduced work schedule, and dates for treatment.
- *Certification of the need for military family leave

The certification form may be obtained from the Personnel Director.

Section 13. Other Employment During Leave

An employee on FMLA leave is prohibited from working at a second job or in any form of self employment.

Section 14. Release to Return to Work

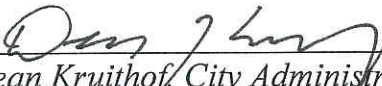
A physician's release (certification that the employee is able to resume work) is required when returning from a leave of absence of three (3) or more calendar days due to a serious medical condition.

Section 15. More Information

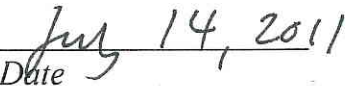
Any matters not addressed in this administrative rule shall be determined in accordance with the Family and Medical Leave Act. Any questions regarding the Family and Medical Leave Act should be addressed to the Personnel Director.

Adopted January 1, 2010

The above Administrative Rule is hereby established and adopted in accordance with the Personnel Manual of the City of Branson, Missouri.



Dean Kruithof, City Administrator



Date

CITY OF BRANSON, MISSOURI
PERSONNEL RULES AND REGULATIONS

RULE NUMBER 10 REFERENCING ARTICLE 19 OF THE PERSONNEL MANUAL
AMENDED 7-13-2011

A RULE PERTAINING TO SUBSTANCE ABUSE POLICY

Section 1. Purpose and Application of Policy

The purpose of this policy is to set consistent and clear guidelines for the handling of circumstances which may involve or be the result of substance abuse by a City employee. Through implementation of this Policy, the City intends to provide a drug and alcohol free working environment for its employees, and thereby enhance the ability of City employees to deliver safe and efficient service to the community. In appropriate cases, disciplinary action will be taken in accordance with the provisions of this policy and other personnel rules and regulations.

The provisions of this Policy shall apply to all employees of the City and to all applicants for positions with the City. The City of Branson shall apply this policy in a manner which is consistent with its obligations under state and federal law.

Section 2. Responsibility of the Employee

It is the individual responsibility of each employee and applicant for employment to read, understand, and abide by the provisions of this policy. Any questions about the application of this policy may be directed to the Personnel Director.

- A. Employees with substance abuse problems are personally responsible for seeking evaluation and undertaking rehabilitation. The City encourages employees to seek help through the Employee Assistance Program, which will be administered in a manner to provide confidentiality for those who seek treatment. Any employee who is aware that they may have an issue or problem with alcohol and/or drugs and who voluntarily discloses this to their supervisor, or the Personnel Director, or voluntarily seeks treatment through the Employee Assistance Program for their problem shall not be subject to discipline for having admitted that they have a problem, nor for seeking treatment for such a problem.
- B. Those employees who use and/or abuse alcohol and/or drugs which result in job performance issues, safety issues, testing positive for drugs and/or alcohol, etc., will place their jobs in jeopardy. Employees who do not voluntarily seek help through the Employee Assistance Program place their employment with the City in jeopardy. In the event a concealed substance abuse problem adversely affects job performance, causes or contributes to misconduct either on or off duty, or causes the employee to become involved in criminal activity or proceedings, the

employee will be subject to formal discipline as outlined in the Administrative Rule relative to corrective and disciplinary actions.

- C. Employees who are ordered to seek treatment for substance abuse problems through the Employee Assistance Program will still be held accountable for any violations of City policy and will be subject to formal discipline for actions which are in violation of City policy.

Section 3. Responsibility of the City

The official policy of the City shall be to encourage and assist City employees in voluntarily seeking treatment for substance abuse problems through the Employee Assistance Program. In appropriate cases, as an alternative to or in conjunction with formal disciplinary proceedings, an employee may be ordered by their Director, the Finance and Personnel Director, and the City Administrator, to seek assistance for substance abuse problems through the Employee Assistance Program.

Section 4. Definitions

Alcohol Test: shall refer to testing of a sample of breath, saliva or blood to determine the percentage by weight of alcohol in the blood of the tested subject.

Applicant: in connection with pre-employment testing, shall refer to an applicant who has been given a conditional offer of employment.

Controlled Substance, Deliver, Drug, Drug Paraphernalia, and Manufacture: as used herein, shall have the same meanings as set out in Chapter 195, RsMo.

Controlled Substance and Drug: as used herein, shall in all instances include prescriptive drugs, unless specifically excluded.

Drug Test: shall refer to a urinalysis test, consisting of an initial screening test followed by a confirmation test in the event the results of an initial screening test are positive.

Employee: any individual appointed and hired to a position in the City service.

CDL Position: shall include all positions in which the employee is regularly required as a part of his duties to operate motorized heavy equipment such as dump trucks, solid waste packer trucks, tractors, bulldozers, earth scrapers, road graders, backhoes, front end loaders, street sweepers, tank trucks, or any other type of heavy duty self-propelled equipment requiring a CDL to operate, excluding automobiles and pickup trucks.

Intoxicants: shall include any beverage or substance containing alcohol.

Safety Sensitive Positions: shall include all (a) law enforcement officers; (b) police communications personnel; (c) fire fighting personnel; and (d) positions involved in the treatment and delivery of water to the customers and the treatment and delivery of quality wastewater effluent to Lake Taneycomo, i.e. Plant Operators.

Reasonable suspicion: shall refer to a suspicion based upon objective facts and circumstances from which an ordinarily careful and prudent supervisor could conclude that an individual is in possession of or under the influence of drugs or alcohol while on City property or while on duty. Circumstances which constitute a basis for determining reasonable suspicion include, but are not limited to: (a) a pattern of abnormal or erratic behavior while on duty; (b) information provided by a reliable and credible source; (c) direct observation of drug or alcohol possession or use; (d) presence of the physical symptoms of drug and alcohol use, such as glassy or bloodshot eyes, odor of intoxicants on breath, slurred speech, poor balance, poor coordination, or impaired reflexes; (e) admission of possession or use of drugs or alcohol by the employee. For an employee to be tested under reasonable suspicion, two supervisors must agree on the objective facts and circumstances as outlined above.

Section 5. Prohibited Acts and Disciplinary Actions

- A. Grounds for disciplinary action or denial of employment: Applicants for employment may be denied employment, and employees may be subject to disciplinary action up to and including dismissal from employment, for commission of any of the following acts:
- (1) Reporting for work, performing work, or applying for work while under the influence of illegal drugs, prescription drugs, or intoxicants.
 - (2) Using, selling, possessing, manufacturing, or delivering controlled substances or drug paraphernalia at any time or place except in cases where such activity is permitted or required in the line of duty, whether on or off duty.
 - (3) Consuming, under the influence of, or possessing intoxicants while on duty or on City property.
 - (4) Providing or selling intoxicants to any other person while on duty, except in cases where such activity is permitted or required in the line of duty.
 - (5) Testing positive for the presence of drugs or alcohol following completion of testing procedures authorized by this policy.
 - (6) Failing or refusing to submit a test sample within a reasonable time but not more than one hour after the time a request for a test sample was made, causing or attempting to cause alteration of a test sample, submitting or

attempting to submit a false test sample, or otherwise obstructing the process of testing for the presence of drugs or alcohol.

B. Termination is specifically authorized when:

- (1) Law enforcement has informed Personnel that the employee has sold or attempted to sell controlled substances, whether on or off duty.
- (2) Law enforcement has informed Personnel that the employee has possessed or has manufactured a controlled substance under circumstances that create reasonable inference that the employee intended to sell the controlled substance, whether on or off duty.
- (3) The employee has used, or has been found to be in unauthorized possession of, illegal drugs while on duty or on City property; or the employee has been found to be on duty or on City property while under the influence of illegal drugs, prescription drugs, or intoxicants.
- (4) The employee has failed or refused to submit a test sample within three hours after the time a request for a test sample was made, has caused or attempted to cause the alteration of a test sample, or has submitted or attempted to submit a false test sample following a request for submission of a test sample.
- (5) The employee has previously been ordered by the appointing authority to seek treatment for a substance abuse problem through the Employee Assistance Program or any treatment facility, and has subsequently committed a new offense involving substance abuse which would constitute grounds for discipline under the provisions of this policy.
- (6) The employee refuses or fails to attend or complete treatment as ordered by City Administration.

C. Disciplinary action shall be independent of all other proceedings:

Disciplinary action which may be undertaken pursuant to this policy and the provisions of the Personnel Manual and Administrative Rules shall constitute an independent administrative action against the employee involved, and shall not be dependent upon or controlled in any manner by any other civil, administrative, or criminal proceedings which are or may be instituted against the employee.

Section 6. Testing for the Presence of Alcohol or Drugs; When Authorized and What Substances Will Be Tested For

A. Pre-employment testing: Effective as of the date of the adoption of this policy:

- (1) A copy of this policy shall be provided to each applicant who has been given a conditional offer of employment, who shall sign and date the "receipt of Substance Abuse Policy and Consent to Drug and Alcohol Testing" form, which shall then be made a permanent part of the applicant's file. This form shall be competent evidence in any subsequent proceedings that the applicant who has been given a conditional offer of employment has received notice of the provisions of this policy and has consented to testing under the provisions stated herein. A refusal by any applicant who has been given a conditional offer of employment to execute this form shall constitute grounds for denial of employment. Alcohol and drug tests are considered to be medical examinations and, under the Americans With Disabilities Act, may only be conducted after an offer of employment has been extended.
 - (2) All applicants who have been given a conditional offer of employment shall be subject to mandatory testing for the presence of drugs and alcohol in accordance with the testing procedures herein set out, except that City Employees who apply for such positions and who have successfully completed testing as a condition of employment with the City shall not be subject to retesting under this subsection. Those applicants shall be required to undergo drug and alcohol testing, and negative results from the testing must be received, before the conditional employee begins work as an employee. The testing provisions of this section shall not apply to the promotion or transfer of the safety sensitive position employee within his own department.
 - (3) Applicants who test positive for the presence of drugs or alcohol will be denied employment pursuant to the provisions of this policy.
- B. Testing of current employees: Effective as of the date of the adoption of this policy:
- (1) A copy of this policy shall be provided to every City employee, and each employee shall be required to sign and date a receipt form, which shall then be made a permanent part of the employee's personnel file. This form shall be competent evidence in any subsequent proceedings that the employee has received notice of the provisions of this policy.
 - (2) Current employees in safety sensitive positions shall be subject to random drug and alcohol testing. Details regarding random drug and alcohol testing are located in Section 8 of this policy.
 - (3) All current City employees not included in subsection (2) above shall be subject to testing for the presence of drugs, including prescription drugs, and alcohol upon reasonable suspicion that the employee is under the influence of drugs or alcohol while on duty. A request for the testing of an employee may be initiated by any supervisor who has a reasonable suspicion that the employee is under the influence of drugs or alcohol while on duty. Requests for testing shall be submitted to the Finance and Personnel Director and

testing shall be authorized if the request is approved by the Personnel Officer and the City Administrator, following review of the request.

- (4) An employee who has been ordered to access the Employee Assistance Program for possible drug and/or alcohol issues shall be subject to unannounced testing for the presence of drugs or alcohol during the twelve-month period following the date of the notice of referral to the EAP.

- C. Substances and levels to be tested for will be per current U.S. Department of Health and Human Services mandatory guidelines. Testing may be administered to detect the presence and concentration of any substance which acts on the central nervous system as a stimulant, a depressant, or has a dis-associative effect.

Drugs not otherwise included in the preceding categories will be tested to the concentration levels for which testing is customarily accurate, as stated in the manufacturer's specifications for the particular test kit or method to be used.

Section 7. Testing Procedures; Discipline Which May Be Imposed for Confirmed Positive Test Results; Mandatory and Voluntary Referral to Employee Assistance Program

- A. The Testing Agency: Drug and alcohol testing shall be performed by an independent certified laboratory of the City's choice. All testing shall be performed in accordance with currently accepted scientific standards. Due care shall be taken by the testing agency to respect the dignity and privacy of the individuals required to give test samples. The testing agency shall be responsible for maintaining appropriate chain of custody procedures for all test samples. The testing agency shall be required to retain unused portions of each test sample that has initially shown a positive result for the presence of drugs or alcohol in order that additional testing may be performed on the sample on behalf of the tested employee.
- B. Confidentiality of Testing Information: All information regarding the testing of applicants and employees shall be confidential. Testing information is authorized to be released only on a strict need-to-know basis to the Personnel Officer, City Administrator, City Attorney, and to the Board of Aldermen upon request of the Board; and the tested employee upon request. Disclosure without employee consent is authorized if: (a) production of the information is compelled by law, or by judicial administrative process, (b) the information has been placed at issue in a formal dispute between the City and the employee, or (c) the information is needed by medical personnel for the diagnosis or treatment of the employee, and they are unable to authorize disclosure.
- C. Confirmation of Test Results: A test sample, which initially yields a positive result, shall be tested a second time using a gas chromatography/mass spectrophotometer (GS/MS) test. The employee shall be placed on paid

administrative leave pending the results of the second test. If the second test confirms the initial positive test result, the employee or applicant shall be notified of the results in writing. The notification shall identify the particular substance or substances found, and shall specify the concentration level. An employee or applicant whose second test confirms the original positive test result may, at their own expense, have additional testing conducted on the original test sample at a qualified laboratory of their own choosing.

D. Consequences of a confirmed positive test result:

- (1) Job Applicants: Job applicants will be denied employment with the City if an initial positive test result has been confirmed by the GC/MS test.
- (2) Current Employees: An employee whose initial positive test result has been confirmed by the GC/MS test is subject to disciplinary action up to and including termination in accordance with the provisions of this policy.

E. Mandatory Referral to the Employee Assistance Program: As an alternative to, or in conjunction with, formal disciplinary proceedings which may be instituted against an employee for a violation of the provisions of this policy, an employee may be ordered to seek assistance for a substance abuse problem through the Employee Assistance Program. The City Administrator is authorized, in appropriate cases, to suspend the imposition of formal discipline (dismissal, demotion, reduction in compensation, suspension without pay) for a period not to exceed one year, pending the successful completion of assessment, counseling, and rehabilitation by the employee. Written notice of mandatory referral to the Employee Assistance Program shall be given to the employee. In the event the employee does not complete assessment, counseling, and/or rehabilitation the appointing authority may, within the one-year period following the date of written notice of mandatory referral to the EAP, impose such formal discipline as is authorized under this policy and the Personnel Manual.

F. Expungement of Drug and Alcohol Testing Records: Upon written request by the tested employee, all records relating to a request for and the results of drug or alcohol testing may be expunged from an employee's file and destroyed if the results of the testing do not show a substance concentration at or above the levels set out in this policy. If the employee who has been tested has filed an appeal with the City Administrator through the Finance and Personnel Director, the records shall be preserved until the conclusion of all proceedings arising out of the appeal.

Section 8. Random Drug and Alcohol Testing for Certain Employees

The purpose of this section is to define testing procedures for employees involved in an accident, and random testing for those employees in safety sensitive positions, and to establish compliance with the Federal Highway Administration and the United States Department of

Transportation regulations by requiring random drug and alcohol testing for those employees holding a Commercial Driver's License (CDL). This section sets forth additional requirements as they relate to the substance abuse policy, and testing and reporting, as regulated by the above agencies.

- A. Definitions: The following definitions are offered as a part of this attachment in addition to any definitions included in Section 4 of this Administrative Rule:

Accident: means an occurrence involving a City-owned vehicle which results in (1) a fatality; (2) bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or (3) one or more vehicles incurs disabling damage requiring transport away from the scene by a tow truck or other vehicle.

CDL Driver/Operator: includes all employees whose positions may involve driving or operating a commercial vehicle and require possession of a CDL.

Commercial Vehicle: is one that either: (1) has a gross vehicle weight of over 26,000 pounds (including combined weight if towed unit weighs over 10,000 pounds); (2) is designed to transport 16 or more persons, including the driver; or (3) is used to transport hazardous materials.

Drugs: for the purposes of this section, "drugs" refers to any drugs referred to in Section 6.C. of this policy.

Medical Review Officer: is a licensed physician responsible for receiving and interpreting laboratory results from the urine drug tests.

Substance Abuse Professional (SAP): is a licensed physician, or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor, as defined by the Department of Transportation regulations, with the knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders. The SAP is responsible for evaluating employees with positive test results.

- B. Additional Prohibited Conduct: The following conduct regarding alcohol and drug use or abuse is prohibited for employees covered by this section, in addition to the requirements of Section 5:

- (1) An employee may not operate a commercial vehicle or report for duty in a safety sensitive position within four hours after using alcohol.
- (2) An on-call employee who consumes alcohol within four hours of being called in must acknowledge the use of alcohol and may not report for duty.
- (3) An employee required to take a post-accident alcohol test may not use alcohol for eight hours following the accident, or until a post-accident alcohol test is given, whichever comes first.

- (4) If an employee is taking prescription or over-the-counter medication that may impair their ability to perform their duties safely and effectively, they must seek the advice of a physician to insure that the substance does not adversely affect their ability to safely operate a commercial vehicle or perform in a safety sensitive position. If the employee's ability to perform their duties may be impaired, a written notice from the physician must be provided with respect to the effects of such substances.
- (5) Alcohol testing for reasonable suspicion may only be conducted just before, during or after an employee operates a commercial vehicle or performs in a safety sensitive position. If removed from duty based on reasonable suspicion of alcohol use and an alcohol test is not administered within eight hours, the employee will not be allowed to perform or continue to perform covered functions until: (1) an alcohol test is administered and the breath alcohol concentration measures zero; or (2) 24 hours have elapsed following determination that there is reasonable suspicion to believe that the employee has violated this policy concerning the use of alcohol.
- (6) Following an accident, as defined above, the driver is required to submit to alcohol and drug tests. Testing should occur **as soon as possible**, but may not exceed eight hours after the accident for alcohol testing and 32 hours after the accident for drug testing.
- (7) An employee subject to post-accident testing must remain readily available for such testing and may not take any action to interfere with testing or the results of testing. Employees who do not comply with post-accident testing requirements will be considered to have refused to submit to testing and will be subject to sanctions for refusal to test as provided in this policy.
- (8) Employees covered by this section will be subject to random, unannounced alcohol and drug testing.
- (9) Employees who have violated this policy, including those who have tested positive on a drug or alcohol test, and who under discipline policy are allowed to return to work, must test negative prior to being released for duty. A return to duty test following alcohol misuse may not exceed an alcohol concentration of zero.
- (10) An employee who is referred for assistance related to alcohol misuse and/or use of drugs is subject to unannounced follow-up testing for a period not to exceed 60 months as directed by a Substance Abuse Professional and the City. The number and frequency of follow-up testing will be determined by the SAP and the City, but will not be less than six tests in the first 12 months following the employee's return to duty.
- (11) If a person is to be hired into a CDL position subject to this section and during the previous 3 years has worked in a position subject to this section, the

person must authorize a request of all employers of the person within the last 3 years to release information on (1) positive alcohol or drug tests; and/or (2) refusal to be tested. This information must be requested before the person is employed by the City. However, if the information has not arrived by the anticipated start date, and if the person has passed the pre-employment drug test, the person may be hired. If the information has not been received within 30 calendar days, and a documented good faith effort to obtain the information has been made, the Personnel Department will go ahead and allow the person to function in the covered duties. If the information obtained from previous employers indicates either a positive test or that a refusal to be tested occurred within the past 3 years, that person will not be permitted to perform covered duties unless subsequent information indicates that an evaluation by a SAP was made and return to duty testing was administered.

- (12) Records relating to drug and alcohol testing for employees covered by this section shall be retained on the following schedule:
- a. Records of negative and canceled drug test results and alcohol test results with a concentration of zero shall be maintained for a minimum of 1 year.
 - b. Records related to alcohol and drug collection process and training shall be maintained for a minimum of 2 years.
 - c. Records of alcohol tests indicating an alcohol concentration of greater than zero; records of verified positive drug test results; documentation of refusal to take required alcohol and/or drug tests; evaluations and referrals; and copies of annual reports, shall be kept for a minimum of 5 years.
- (13) Records for employees covered by this section shall not be released except (1) upon written request of the employee; (2) upon written authorization by the employee, records will be disclosed to a subsequent employer subject to use as specified by the employee; (3) upon specific, written authorization by the employee, records will be released to an identified person, for use only as specified by the employee; or (4) records may be disclosed to a decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee, including, but not limited to, a worker's compensation, unemployment compensation or other proceeding relating to a benefit sought by the employee.
- (14) Any employee covered under this section engaging in prohibited conduct, receiving a confirmed and/or verified positive drug test, or receiving a blood alcohol test greater than zero shall be subject to the full range of disciplinary action, including termination, depending on the seriousness of the prohibited conduct.

- (15) If the employee is not terminated for policy violations, and the employee had a breath alcohol concentration of .02 or greater, then the employee shall be removed from covered duties for at least 24 hours.
- (16) If the employee is not terminated for policy violations, and the employee was confirmed and or verified positive for drugs or had an alcohol test that indicated a blood level alcohol of 0.04 or greater from a random, reasonable suspicion or post-accident test, or engaged in prohibited conduct, the employee shall be immediately removed from performance of the covered duties. The employee will not be permitted to return to work unless they (1) have been evaluated by a qualified SAP; and (2) if recommended by the SAP, has properly followed any rehabilitation prescribed; and (3) have a verified negative result on a return-to-duty alcohol and/or drug test.
- (a) While the employee is off work during the rehabilitation prescribed by the SAP, they will be required to utilize any accrued time they have accumulated. Please refer to Article 17, Section 13 in regards to suggested utilization of accrued time. When/if that accrued time is all utilized, then the remainder of the time they are off work shall be unpaid.

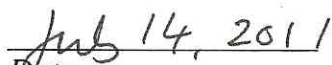
Section 9. Appeal Rights

An employee who receives formal discipline (dismissal, suspension without pay, demotion, or reduction in compensation) for violation of the provisions of this policy is entitled to the appeal rights granted in the Personnel Manual and Administrative Rules.

The above Administrative Rule is hereby established and adopted in accordance with the Personnel Manual of the City of Branson, Missouri.



Dean Kruithof, City Administrator



Date

CITY OF BRANSON, MISSOURI
PERSONNEL RULES AND REGULATIONS

RULE NUMBER 11 REFERENCING ARTICLE 20 OF THE PERSONNEL MANUAL

A RULE PERTAINING TO **EMPLOYEE ASSISTANCE PROGRAM**

Section 1. Purpose

The City recognizes that employees may have personal difficulties, which could affect their job performance. These difficulties may be due to physical or emotional illness, finances, marital or family conflicts, alcoholism, drug abuse, legal difficulties, or many other stresses. In cases where the employee's difficulties are persistent and disruptive, it is in the best mutual interests of the employee and the City to provide opportunities for professional treatment.

Section 2. Administration

The Employee Assistance Program (EAP) will be administered by the Personnel Director. The Personnel Director shall be responsible for maintaining the confidentiality of the records and insuring that the functions of the EAP are properly carried out. Limitations on confidentiality will be consistent with the law and public policy.

Section 3. Functions

The Employee Assistance Program (EAP) will function primarily as an intake and referral service for those employees who have either voluntarily sought help for personal difficulties or who have been directed by the Personnel Director, after consultation with the Director, to seek assistance through the program. Under the supervision of the Personnel Director, the EAP will compile and maintain all information and records necessary to the task of referring employees to treatment services, programs and institutions in the community. The Personnel Director will monitor the progress of employees who have been directed to seek treatment through the EAP to the extent necessary to verify that the employee has attended the required sessions.

Section 4. Employee Use of Leave Time While Seeking and Receiving Counseling or Treatment

Employees who are receiving counseling or treatment through the EAP are entitled to use all forms of accumulated leave time available to them, including sick leave, vacation time, and compensatory time. Should an employee who is receiving treatment through the EAP exhaust all available leave time, the employee may request a leave of absence without pay, in accordance with the Personnel Manual. Such a request will be considered in light of all the circumstances of the case, including but not limited to the manpower needs of the affected City department, the medical needs of the employee, and the degree of good faith effort displayed by the employee in dealing with his problem. Nothing herein shall be construed to require that a leave of absence without pay must be granted in such case.

Section 5. Records to Be Held in Confidence

All information regarding voluntary and mandatory referrals shall be confidential. Records of mandatory referrals to the EAP shall not be placed in an employee's general personnel file, but shall be kept in a separate confidential folder that will be securely kept by the Personnel Director.

The above Administrative Rule is hereby established and adopted in accordance with the Personnel Manual of the City of Branson, Missouri.


Dean Kruithof, City Administrator

12-15-2010
Date

CITY OF BRANSON, MISSOURI
PERSONNEL RULES AND REGULATIONS

RULE NUMBER 12 REFERENCING ARTICLE 21 OF THE PERSONNEL MANUAL

A RULE PERTAINING TO EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

Section 1. Goal

It is the goal of the City of Branson to afford equal employment opportunities to all individuals. Therefore, it is the policy of the City to provide equal opportunity in employment and advancement and to administer its employment practices without regard to race, color, religion, sex, age, national origin, marital status, military status, disability, or any other characteristic protected by law.

Section 2. Policy

It is the policy and intent of the City to:

- A. Recruit, hire, train and promote persons in all job classifications without regard to race, color, religion, sex, age, national origin, marital status, military status, disability, or any other characteristic protected by law.
- B. Base decisions on employment so as to further the principles of equal employment opportunity.
- C. Insure that promotion decisions are in accord with principles of equal employment opportunity by imposing only valid requirements for promotional opportunities so that promotions shall be based solely upon each individual's qualifications for the position to be filled.
- D. Insure by periodic inspection that all other personnel actions such as compensation, benefits, transfers, reductions in force (RIF's), return from RIF's, corrective actions or disciplinary measures, City sponsored training, tuition assistance, and social and recreational programs, will be administered without regard to race, color, religion, sex, age, national origin, marital status, military status, disability, or any other characteristic protected by law.
- E. Undertake a program to make widely known, especially to minorities and women, that equal employment opportunities are available on the basis of individual merit and to actively encourage all persons to seek employment and to strive for advancement on this basis.

Section 3. Implementation and Enforcement

It is the intent of the City that this policy shall be implemented and enforced the same as any other policy of the City. Any employee who willfully violates any provision of this policy shall be subject to disciplinary action.

The above Administrative Rule is hereby established and adopted in accordance with the Personnel Manual of the City of Branson, Missouri.


Dean Kruithof, City Administrator

12-15-2010
Date

CITY OF BRANSON, MISSOURI
PERSONNEL RULES AND REGULATIONS

RULE NUMBER 13 REFERENCING ARTICLE 22 OF THE PERSONNEL MANUAL

A RULE PERTAINING TO ACCOMMODATING THE DISABLED

Section 1. General Policy

The City prohibits discrimination against a qualified individual with a disability. This includes, but is not limited to, discrimination with respect to applications, hiring, promotion, dismissal, compensation, benefits, training, and all other aspects of employment. The Personnel Director shall be responsible for implementing this policy. "Disability" refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such an impairment, has a record of such an impairment is also deemed a "disabled individual". Under amendments to the ADA in 2008, if the condition is transitory and minor, defined as having an actual or expected duration of 6 months or less, then the condition does not qualify as a disability. A "qualified person with a disability" means an individual who, with or without reasonable accommodation, can perform the essential functions of the position that the individual holds or has applied for.

Section 2. Policy

The City seeks to reasonably accommodate qualified individuals with a disability. Such reasonable accommodation may take the form of making existing facilities readily accessible to or usable by individuals with a disability, restructuring jobs, modifying schedules, acquiring or modifying equipment, adjusting training materials, adjusting employment policies, and the like. Generally, such reasonable accommodations will be made unless they create an undue hardship for the City. The factors to be considered with respect to an undue hardship are: 1) the nature and cost of the accommodation; 2) the overall financial resources and impact on the City and the affected department; 3) the number of persons employed at that facility; and 4) the operations of the department. These are not all of the factors, but merely examples.

Section 3. Essential Job Functions

For each position, a classification specification will identify the essential functions of a position.

Section 4. Safety

All employees are expected to be able to comply with safety rules at all times. Any applicant for a position who poses a threat to the safety or health of himself or others in that position, when that threat may not be eliminated by reasonable accommodations, will not be employed in that position. Similarly, current employees who become individuals with disabilities and thereby pose a direct threat to themselves, the public or fellow employees, which threat cannot be eliminated by reasonable accommodations, will be placed on an appropriate leave until a final determination can be made. An attempt will be made to place applicants and employees in positions for which they are qualified and in which they do not pose a direct threat.

Section 5. Drugs and Alcohol

All employees are expected to comply at all times with the City's policy regarding the use of drugs and alcohol. For example, all employees are expected to cooperate with drug testing, in accordance with that policy.

Section 6. Reporting and Investigation Requirements

Any applicant or employee who believes there has been a violation of this policy, or any applicable law relating to accommodating individuals with disabilities, shall immediately contact his supervisor or the Personnel Director. If the supervisor or the Personnel Director is unable to resolve the issue, the matter will be referred to the City Administrator. All complaints will be promptly investigated. All individuals are expected to cooperate with an investigation. The information obtained in the course of the investigation will, generally, be held in confidence and will only be disclosed to those individuals who have a need for the information.

Section 7. Coordination with Other Policies

This policy regarding qualified individuals with a disability will be coordinated with all other City policies, such as safety and drug testing.

The above Administrative Rule is hereby established and adopted in accordance with the Personnel Manual of the City of Branson, Missouri.


Dean Kruithof, City Administrator

12-15-2010
Date

CITY OF BRANSON, MISSOURI
PERSONNEL RULES AND REGULATIONS

RULE NUMBER 14 REFERENCING ARTICLE 23 OF THE PERSONNEL MANUAL

A RULE PERTAINING TO ANTI-HARASSMENT POLICY

Section 1. Purpose

The City of Branson's position is that sexual and other types of harassment are a form of misconduct that undermines the integrity of the employment relationship. All employees have the right to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive, or disruptive, including sexual harassment.

Section 2. Definition of Harassment

Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual based on race, color, religion, sex, national origin, age, pregnancy, disability, military status (including veterans), and current employees for complaining of discrimination or participating in an investigation or complaint proceedings, or any other status protected by law. Harassment can also occur if conduct is directed toward a person's relatives, friends, or associates. Harassment does one or more of the following:

- A. Has the purpose or effect of creating an intimidating, hostile or offensive work environment.
- B. Has the purpose or effect of unreasonably interfering with an individual's work performance.
- C. Otherwise adversely affects an individual's employment opportunities.

Section 3. Definition of Sexual Harassment

The City of Branson has adopted the definition of sexual harassment set forth by the Equal Employment Opportunity Commission (EEOC). The EEOC defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of your employment.

- B. Submission to or rejection of such conduct by you is used as the basis for employment decisions affecting you.
- C. Such conduct has the purpose or effect of unreasonably interfering with your work performance or creating an intimidating, hostile or offensive working environment.

Section 4. Harassing Conduct

In order to avoid misunderstandings about what types of conduct might constitute or lead to harassment, the City provides you with the following examples of prohibited conduct. Please note that these are examples only, and that harassment is not limited to only those types of conduct listed below.

- A. Epithets, slurs, negative stereotyping and threatening, intimidating, or hostile acts that relate to race, color, religion, gender, national origin, age, or disability (including jokes, cartoons or pranks that are sexually suggestive, hostile or demeaning with regard to race, color, religion, gender, national origin, age, or disability; and
- B. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age, or disability and that is displayed on walls, bulletin boards, through the computer, or any other locations or circulated in the workplace; and
- C. Unwanted social invitations, touching, hugging, patting, sexual gestures, offensive body movements.

Section 5. City's Responsibility

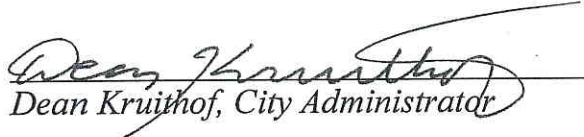
The City believes that all employees are entitled to a workplace free of harassment, and expects that all employees will treat each other and our customers with courtesy, dignity, and respect. We take our obligation to maintain a workplace free of harassment very seriously. Sexual and other types of harassment are a form of misconduct which constitutes a serious offense and subjects offenders to disciplinary action, up to and including discharge.

- A. All employees will receive a copy of the City's anti-harassment policy, and the City will conduct annual training for all employees on this topic. In addition, all new employees will receive a copy of the City's anti-harassment policy upon employment. If at any time employees would like another copy of the policy, they should contact their supervisor or the Personnel Office. If the City should amend or modify our anti-harassment policy, all employees will receive an updated copy of the amended or modified policy.

Section 6. Complaint Procedure

- A. Employees who experience or witness any type of harassment or prohibited conduct in the workplace must report it immediately to their supervisor, director, or the Personnel Director. You may also report it to any member of management.
- B. All allegations of harassment or prohibited conduct will be quickly and fully investigated. To the extent possible, the employee's confidentiality and that of any witness and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, the employee will be informed of the outcome of the investigation.
- C. The City will permit no employment-based retaliation against anyone who brings a complaint of harassment or prohibited conduct or who speaks as a witness in the investigation of a complaint of harassment or prohibited conduct. Initiation of, or participation in any act of retaliation shall be cause for disciplinary action, up to and including discharge.

The above Administrative Rule is hereby established and adopted in accordance with the Personnel Manual of the City of Branson, Missouri.


Dean Kruithof, City Administrator

12-15-2010
Date

CITY OF BRANSON, MISSOURI
PERSONNEL RULES AND REGULATIONS

RULE NUMBER 15 REFERENCING ARTICLE 17 OF THE PERSONNEL MANUAL

A RULE PERTAINING TO TEMPORARY TRANSITIONAL DUTY

Section 1. Purpose

To establish policy and procedures for the administration of temporary transitional duty assignments for eligible employees.

Section 2. Policy

Temporary transitional duty assignments, when available, are for employees who, because of illness, injury, or disability, are temporarily unable to perform all of their regular duties, or who are capable of performing some of their regular duties or other alternative assignments. When such assignments are available, eligible employees, may be required to return to work in a transitional duty position meeting their medical restrictions as stated by the designated city treating physician in Workers' Compensation situations or other treating physician in non-Workers' Compensation situations. If a transitional duty position that meets the medical restrictions determined by the (as applicable) designated city or other treating physician is determined by the city to exist, the city will temporarily place the employee in the position. Such a temporary position assignment may be outside the employee's regular duties, and may also include work donated to charitable organizations.

All positions and job duties designated by the City to be in the City's transitional duty program are temporary in nature, and may be changed or terminated at any time at the City's discretion. Also, such positions are not necessarily accommodations required by the Americans with Disabilities Act.

An employee who refuses to return to a transitional duty position under this section will not be entitled to any reimbursement for lost wages to the extent of the refused transitional duty position's pay during the period of such refused return to the offered transitional duty position.

Section 3. Procedure

- A. Temporary assignment to transitional duty positions will cease when the employee has reached maximum medical improvement in Workers' Compensation situations/is medically released to return to their regular job in non-Workers' Compensation situations.
- B. Transitional duty assignments are otherwise strictly temporary, and the status of the employee will be reviewed periodically to determine the probability of the employee returning to their original position.
- C. Employees who are off work, and receiving pay or benefits from or through the City under a City benefits program, due to illness, injury or disability, are prohibited from engaging in outside employment.
- D. Transitional duty assignments shall not be made for disciplinary purposes.
- E. This policy does not apply to or affect any privileges employees otherwise may have under the Family and Medical Leave Act, Fair Labor Standards Act, Americans with Disabilities Act, or other federal or state law.

The above Administrative Rule is hereby established and adopted in accordance with the Personnel Manual of the City of Branson, Missouri.


Dean Kruithof, City Administrator

12-15-2010
Date

CITY OF BRANSON, MISSOURI
PERSONNEL RULES AND REGULATIONS

RULE NUMBER 16 REFERENCING ARTICLE 24 OF THE PERSONNEL MANUAL

A RULE PERTAINING TO INTERNET AND SOCIAL MEDIA USAGE POLICY

Section 1. General

Social Media is defined as any form of online communication in which individuals shift fluidly and flexibly between the role of audience and author. To do this, they use social software that enables anyone without knowledge of coding, to post, comment on, share conversations, and to form communities around shared work-related or personal interests. Examples (not all inclusive) of such media are: You Tube, My Space, Facebook, Twitter, etc.

The chats, social media groups, e-mail of the Internet, and text messaging, give each individual Internet user an immense and unprecedented ability to propagate City messages. Because of that power, we must take special care to maintain the clarity, consistency and integrity of the City's image and posture. Anything any one employee writes in the course of acting for the City on the Internet can be taken as representing the City's posture.

The City of Branson has decided to provide access to the Internet and business-related Social Media groups (under controlled conditions) for certain employees based upon decisions made at the Department Director level. The facilities to provide that access represent a considerable commitment of City resources for telecommunications, networking, software, storage, etc. This Internet and Social Media Policy is designed to help you understand the City's expectations for the use of those resources, and to help you use those resources wisely. As already noted, each employee is not automatically granted Internet access, whether it be e-mail, web-browsing, social media groups, etc. It is up to each Department Director to determine the need and level, if any, of Internet and Social media access for each individual under their supervision.

Section 2. Purpose

The Internet for this organization is a business tool provided to you at significant cost, and the City is aware that business related Social Media groups may be useful in the work environment; however, employees need to be aware of professional responsibilities when using the sites. That means we expect you to use your Internet access for business-related purposes only, i.e. to communicate with citizens and suppliers, to research relevant topics and obtain useful business information, etc. Beyond that, we expect you to conduct yourself honestly and appropriately on the Internet and in any Social Media group, and respect the copyrights, software

licensing rules, property rights, privacy and prerogatives of others, just as you would in any business dealing. To be absolutely clear on this point, all existing City policies apply to your conduct on the Internet and in any business-related Social Media group, especially (but not exclusively) those that deal with intellectual property protection, privacy, misuse of City resources, any form of harassment or discrimination, information and data security, and confidentiality.

Unnecessary or unauthorized Internet usage also causes network and server congestion, slows other users, takes away from work time, and ties up printers and other shared resources. Unlawful Internet and other inappropriate usage may also garner negative publicity for the City and expose the City to significant legal liabilities.

Section 3. Policy

A. Provisions

- (1) The City has software and systems in place that monitor and record all Internet usage. We want you to be aware that our security systems are capable of recording (for each and every user) each World Wide Web site visit, each chat and text, social media group, or e-mail message, and each file transfer into and out of our internal networks, and we reserve the right to do so at any time. ***No employee should have any expectation of privacy as to his/her City Internet and Social Media usage.*** IT will review Internet activity and analyze usage patterns, and may choose to utilize this data to assure that City Internet resources are devoted to maintaining the highest levels of productivity.
- (2) We reserve the right to inspect any and all files stored in private areas of our network in order to assure compliance with this and all City policies.
- (3) The display of any kind of sexually explicit image or document on any City system or property is considered a violation of our policy on harassment. In addition, sexually explicit material may not be accessed, archived, stored, distributed, edited or recorded (unless during an investigation) using our network or computing resources.
- (4) The City's Internet facilities and computing resources must not be used knowingly to violate the laws and regulations of the U.S. or any other nation, or the laws and regulations of any state, city, province or other local jurisdiction. Use of any City resource for illegal activity is grounds for immediate dismissal, and we will cooperate with law enforcement in the investigation of such use.
- (5) No employee may use City resources knowingly to download or distribute pirated software or data.

- (6) No employee may use City resources to deliberately propagate any Internet virus, worm, Trojan Horse, or trap-door program code.
- (7) No employee may use City resources to disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.
- (8) Only those employees or officials who are duly authorized to speak to the media, to analysts, or in public gatherings on behalf of the City may speak/write in the name of the City to any newsgroup or chat room, or grant such authority to newsgroups or chat room participants. Other employees may participate in newsgroups or chats in the course of business when relevant to their duties, but they do so as individuals speaking only for themselves. Where an individual participant is identified as an employee or agent of the City, the employee must refrain from any unauthorized political advocacy, and must refrain from the unauthorized endorsement or appearance of endorsement by the City of any product or service not sold or serviced by the City of its departments.
- (9) The City retains the copyright and ownership to any material posted to any forum, social media group, chat, or World Wide Web page by any employee in the course of his/her duties.
- (10) Employees are reminded that texts, chats and newsgroups are public forums where it is inappropriate to reveal confidential City or citizen information. Employees releasing protected information via a text, newsgroup or chat, whether or not the release is inadvertent, will be subject to disciplinary action.
- (11) No employee shall make or share any communication that engages in harassment, contributes to an unlawful hostile work environment, or is otherwise threatening, libelous or defamatory.

Section 4. Security

While our direct connection to the Internet offers many potential benefits, it can also open the door to some significant risks to our data and systems if we do not follow appropriate security discipline. An Internet user can be held accountable for any breaches of security or confidentiality.

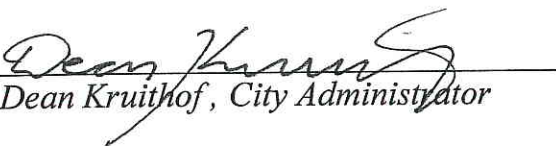
- A. The City has installed a variety of firewalls, proxies, Internet address screening programs and other security systems to assure the safety and security of the City's networks. Any employee who attempts to disable, defeat or circumvent any City security system will be subject to immediate dismissal.

- B. Only those Internet services and functions with documented business purposes for the City will be enabled at the Internet firewall. Authorized access to the Internet does not negate any part of this policy.
- C. Guard your passwords with care.

Section 5. Disciplinary Action

Appropriate disciplinary actions are referenced herein, and otherwise established under the relevant provisions of Rule #4 of the Personnel Handbook.

The above Administrative Rule is hereby established and adopted in accordance with the Personnel Manual of the City of Branson, Missouri.


Dean Kruithof, City Administrator

12-15-2010
Date

CITY OF BRANSON, MISSOURI
PERSONNEL RULES AND REGULATIONS

RULE NUMBER 17 REFERENCING ARTICLE 25 OF THE PERSONNEL MANUAL

A RULE PERTAINING TO **EMPLOYEE TOBACCO FREE POLICY**

Section 1. General

This policy states City of Branson's position on employee usage of tobacco products while on regular paid time, and the expectations of staff. All City of Branson employees are expected to assist with communicating this policy and the efforts to enforce a tobacco free environment. Communication should be in a manner that is courteous, respectful and diplomatic.

Section 2. Purpose

The City of Branson is committed to providing a healthy environment for our employees, customers, and visitors. As such, the City of Branson will strive to provide a work environment that offers the opportunity and resources to optimize personal health and well-being. In accordance with our mission and the convincing evidence of the negative effects of tobacco use, it is the intent of Administration that the City of Branson will maintain an Employee Tobacco Free Policy.

Medical and scientific authorities worldwide, including the U.S. Surgeon General, American Heart Association, American Cancer Society and the EPA, have concluded that tobacco use poses a serious risk to the health of both users and nonsmokers. It is particularly harmful to people who already suffer from respiratory disease, heart disease or allergies. Smoking also threatens safety. It is associated with increased automobile and workplace accidents. As an employer, it is our responsibility to address known hazards to our employees, and to create a healthful, safe and comfortable environment.

Section 3. Policy

Effective January 1, 2011, City of Branson employees will not be allowed to utilize tobacco products at all while on regular paid time. This does include smokeless tobacco products.

Section 4. Compliance and Resources

Employees are expected to comply with the Employee Tobacco Free Policy. The City recognizes the importance of supporting their employees in a tobacco-free environment. Employees who utilize tobacco products are not required or expected to quit utilizing tobacco products, however they are expected to abide by the policy.

*Resources available for employees:

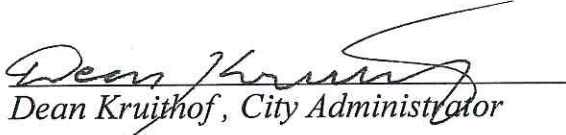
- Tobacco cessation counseling and behavioral therapy
- Social support from staff
- Education on relaxation techniques

*Specific information on phone numbers, times and locations can be obtained from Personnel.

Section 5. Disciplinary Action

The City will be consistent in administering this policy. Management and supervisory staff will be responsible for ensuring ongoing compliance with the Employee Tobacco Free policy within their work areas. Violations of the Employee Tobacco Free policy will be subject to the standard disciplinary actions of the City, as described in Administration Rule # 4 of this Personnel Manual.

The above Administrative Rule is hereby established and adopted in accordance with the Personnel Manual of the City of Branson, Missouri.


Dean Kruthof, City Administrator

12-15-2018
Date

CITY OF BRANSON, MISSOURI
PERSONNEL RULES AND REGULATIONS

RULE NUMBER 18 REFERENCING ARTICLE 26 OF THE PERSONNEL MANUAL

A RULE PERTAINING TO **FRAUD ABUSE HOTLINE POLICY**

Section 1. General

The City of Branson is committed to the principles of accountability, transparency, responsibility and sound ethical operating practices. As part of this commitment, the City will maintain a confidential (as allowed by RSMo 610.021) 24-hours-a-day, 7-days-a-week hotline for City employees, contractors, citizens and other interested parties to report issues such as: fraud, waste, abuse of City resources, safety violations, etc. The hotline will go straight to an outside administrator, and callers may remain anonymous. Please keep in mind that if you do choose to remain anonymous and do not provide enough detailed information for the City to investigate, the City may not be able to act on your call. Reports with immaterial or vague allegations will not be investigated. The hotline should NOT be used to report general complaints that should be addressed with a supervisor or Department Director. Harassment or discrimination complaints should be addressed with the Finance and Personnel Department.

- If your report is on the City Administrator or the City Administrator's office, you should contact the Mayor directly.

Section 2. Purpose

This policy addresses the responsibility of City of Branson employees for detecting and reporting fraud, suspected fraud, illegal activities or other workplace violations.

Section 3. Policy

It is the policy of the City of Branson to identify and promptly investigate any possibility of fraudulent or related illegal or dishonest activities against the City of Branson and, when appropriate, to pursue legal remedies where available on behalf of the City. The City of Branson will take appropriate disciplinary and legal actions against employees and/or other individuals or entities, to include the possibility of termination of employment, restitution, and forwarding of information to the appropriate authorities for criminal prosecution.

This policy also clarifies what acts are considered to be fraudulent, illegal or dishonest, and describes the steps to be taken when fraud or other dishonest activities are suspected. This

policy also includes the procedures to follow in accounting for missing funds, restitution, and recoveries.

Section 4. Definitions

- A. Fraud, dishonest, fraudulent or illegal activities include, but are not limited to, the following:
 - (1) Forgery or alteration of documents (checks, time sheets, independent contractor agreements, purchase orders, budgets, etc.)
 - (2) Misrepresentation of information on documents.
 - (3) Misappropriation of funds, securities, supplies, or any other asset.
 - (4) Theft, disappearance, or intentional destruction of any asset.
 - (5) Intentional misuse of City equipment or property.
 - (6) Improprieties in the handling or reporting of money transactions.
 - (7) Authorizing or receiving payments for goods not received, or services not performed.
 - (8) Authorizing or receiving payment for hours not worked.
 - (9) Any apparent violation of Federal, State or local laws related to dishonest activities or fraud.
 - (10) Any work practice that is deemed dangerous or harmful to employees.
 - (11) Any similar or related activity.

Section 5. Management Responsibility

- A. The City Administrator, Department Directors, and all supervisors, have a duty and responsibility to detect fraudulent or related dishonest or illegal activities in the areas they oversee. Each should be familiar with the types of improprieties that might occur in their area, and be alert for any indication that illegal or improper activity, misappropriation, or dishonest activity is or was in existence in their area. When an improper activity, etc. is detected or suspected, they should determine whether an error or mistake has occurred, or if dishonest or fraudulent activity may have occurred.

B. If a supervisor determines a suspect activity may involve fraud or related dishonest activity, they should contact their immediate supervisor and/or the Department Director. The Department Director should then contact the City Administrator. If the City Administrator deems it appropriate, the City of Branson Police Department will also be contacted. The City Administrator (and City of Branson Police Department, if contacted) will conduct an investigation. To the extent permitted by law, the City Administrator and Police Department will treat all information gathered during the investigation process as confidential. The City Administrator, Department Director and supervisor (if applicable) will also be held responsible for taking appropriate corrective actions to ensure adequate controls exist to prevent the reoccurrence of improper actions found to have occurred.

C. The Department Director and supervisor (if applicable) will fully support and cooperate with the City Administrator (and City of Branson Police Department, if contacted) in the detection, reporting and investigation of criminal acts, including prosecution of offenders. The City Administrator shall have full and unrestricted access to all necessary records and other personnel. All City of Branson furniture and contents, including desks and lockers, City cell phones, and City computers, are also open to inspection during such investigations; there is no assumption of privacy. Every effort should be made to effect recovery of any and all discovered City of Branson losses.

D. Normal care is to be taken in dealing with suspected illegal, dishonest or fraudulent activities to avoid the following:

- (1) Incorrect accusations.
- (2) Alerting suspected individuals that an investigation is underway.
- (3) Making statements that could lead to claims of false accusations or other offenses.

Additionally, individuals who knowingly make false accusations will be subject to disciplinary or other appropriate action.

E. Responsibilities of the Department Director and supervisor (if applicable) in handling suspected dishonest or fraudulent activities include the following:

- (1) Do not contact (unless requested) the suspected individual to determine the facts, or to demand restitution. Under no circumstances should there be any reference to "what you did," "the crime," "the fraud," "the forgery," "the misappropriation," etc.
- (2) Do not discuss the case, facts, suspicions, or allegations with anyone outside the City of Branson, unless specifically directed to do so by the City Administrator.

- (3) Do not discuss the case with anyone inside the City of Branson other than employees who have a need to know, such as the City Administrator, City Attorney, or the Finance and Personnel Department.
- (4) Direct all inquiries from the suspected individual, or his or her representative, to the City Administrator, or the City of Branson Police Department. All inquiries by an attorney of the suspected individual should be directed to the City Administrator, or the City Attorney. Direct all inquiries from the media to the Communications Director. A suggested proper response to such an inquiry is: "I'm not at liberty to discuss this type of matter."
- (5) Take appropriate disciplinary or other corrective action, after consulting with the City Administrator and Finance and Personnel.

Section 6. Employees Responsibility

- A. When suspected fraudulent incidents or dishonest practices are observed by or made known to an employee, the employee:
 - (1) Must report the incident or practice to his/her supervisor, for subsequent reporting to the proper management official. When the employee believes the supervisor may be involved in the inappropriate activity, the employee is to make the report directly to the next higher level of management and/or the City Administrator. If at any step in this process the employee does not feel comfortable with reporting directly to someone, they may utilize the Fraud Hotline.
 - (2) The reporting employee shall thereafter refrain from further investigation of the incident, confrontation of the alleged violator, or further discussion of the incident with anyone, unless requested to do so by the City Administrator, or the Branson Police Department.

Section 7. Investigation and Disciplinary Action

- A. The City Administrator (and Branson Police Department, if deemed appropriate) will investigate situations involving possible fraud or related dishonest activity.
- B. While callers to the Fraud Hotline have the option to remain anonymous, please keep in mind that if you do so and do not provide enough detailed information for the City to conduct a proper investigation, the City may not be able to act on your call. We strongly urge you to provide as much detail as possible.

- C. If warranted, an investigation will further proceed as follows, if evidence is uncovered showing possible dishonest or fraudulent activities:
- (1) The City Administrator will discuss the findings with the Board of Aldermen, and the appropriate Department Director(s).
 - (2) The City Administrator will advise the applicable Department Director, if the case involves staff members, to meet with the Director of Finance and Personnel (or his/her designated representative) to determine if disciplinary actions or prosecution should be taken.
 - (3) If illegal activity appears to have occurred, the findings will be reported to the Branson Police Department for possible prosecution.
 - (4) The City Administrator or Director of Finance and Personnel will coordinate notification of insurers, and the filing of any insurance claims.
- D. In order to protect the confidential reporting process, updates of actions will not be provided or made public to the extent permitted by applicable law.

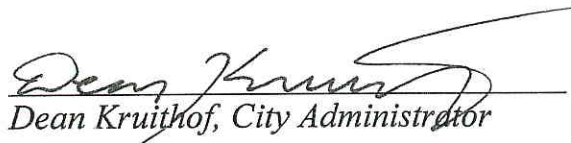
Section 8. Accounting for Loss, Restitution, and Recovery

The Department incurring the loss from a dishonest or fraudulent act will normally suffer the loss, until the monies can be recovered through insurance or restitution. The Finance and Personnel Department will set up a receivable for the amount owed to the City. The Department account will be created with any amounts collected at fiscal year end of the fiscal year during which the collection occurs.

Section 9. Cost of Recovering Funds

There is no special fund to cover the costs of recovery, such as hiring special investigators. These expenses may be allocated from existing budget funds.

The above Administrative Rule is hereby established and adopted in accordance with the Personnel Manual of the City of Branson, Missouri.


Dean Kruithof, City Administrator

Date 12-15-2010

